

THE
PROCEEDINGS,
AT LARGE,
ON THE
TRIAL
OF
JOHN HORNE TOOKE,
FOR
HIGH TREASON,
AT THE
SESSIONS HOUSE IN THE OLD BAILEY,

Monday the 17th, to Saturday the 22d of November, 1794.

CONTAINING

ARRAIGNMENT OF THE PRISONER.
THE CHALLENGING OF THE JURY.
COPY OF THE INDICTMENT.
SPEECH, VERBATIM, OF THE SOLI-
CITOR GENERAL.
EXAMINATION OF WITNESSES.
COPIES OF ALL THE PAPERS READ
IN EVIDENCE.

SPEECHES, VERBATIM, OF MESSRS.
ERSKINE AND GIBBS.
REPLY OF THE ATTORNEY GENERAL.
SUMMARY OF THE LORD PRESI-
DENT.
VERDICT OF THE JURY.
MR. TOOKE'S ADDRESS TO THE JURY,
&c. &c.

TAKEN IN SHORT-HAND
BY J. H. BLANCHARD.

VOLUME II.

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CONTENTS.

VOL. II.

	Page		Page
E VIDENCE of Major		Mr. Gibbs summing up	
Cartwright	9	the Evidence for the De-	
Letter from the Duke of		fendant	133
Richmond to Colonel		Speech of Mr. Gibbs upon	
Sharman	28	summing up the Evidence	
Evidence of the Duke of		given for the Defendant .	135
Richmond	39	The Attorney General's	
Arguments upon the Objec-		Reply	177
tion to admitting Mr.		Charge of the Lord Prefi-	
Tooke's Letter to Lord		dent to the Jury	223
Ashburton as Evidence .	ib.	Letter, signed T. Hardy,	
A Letter to Lord Ashbur-		dated March 27th, 1794,	
ton from Mr. Horne, da-		with Resolutions	227
ted 10th of May, 1782 .	51	Mr. Joyce's Report of the	
Evidence of Major Cart-		Meeting of the Delegates	
wright	59	of the London Corre-	
The Right Honourable		sponding Society	232
Charles James Fox . . .	62	Letter, signed T. Hardy, to	
Mr. Francis	63	D. Adams, Secretary to	
Duke of Richmond	67	the Society for Constitu-	
Right Honourable William		tional Information, dated	
Pitt	71	10th April, 1794, with	
Mr. Sheridan	76	Resolutions	233
Earl Stanhope	83	Extracts from Rights of Man	239
Mr. Wyvill	88	Letter from Samuel Ashton,	
Mr. M'Namara	91	dated Sheffield, 14th May,	
Mr. Fielding	95	1792, to D. Adams . . .	243
Lord Fred. Campbell . . .	98	Letter from S. Ashton, da-	
Earl Camden	99	ted Sheffield, 14th March,	
Mr. Beaufoy	101	1792	244
Mr. Thomas Simmonds . .	104	Resolutions entered into at	
Colonel Money	116	the Bull's Head Inn, Man-	
Mr. Maxwell	117	chester, 13th March, 1792	245
Mr. May	119	Resolutions entered into at	
Captain Tooke Harwood .	120	Sheffield, by the Society	
Mr. George Rous	125	for Constitutional Infor-	
Bishop of Gloucester . . .	129	mation, dated 14th March,	
Observations previous to		1792	247
		Resolutions	

	Page		Page
Resolutions of London Corresponding Society . . .	248	Frost, to the Society for Constitutional Information, dated Paris, 29th November, 1792 . . .	300
Ditto, entered into in Took's Court, 20th April, 1792 . . .	249	Address of Barlow and Frost to the National Convention . . .	301
Letter to the Society of the Friends of the People, from the Society for Constitutional Information . . .	251	Letter of Joel Barlow, to the Society for Constitutional Information . . .	304
Answer thereto, signed John Russell, dated May 12, 1792 . . .	254	Answer from the Constitutional Society to Mr. Joel Barlow's Letter . . .	309
Letter to the Society for Constitutional Information, from Norwich, dated April 26, 1792, signed T. Goff, &c. . . .	258	Letter from P. W. Frost, of Stockport, to Mr. Hardy, dated 17th September, 1792 . . .	312
Proceedings of the Society for Constitutional Information, 11th May, 1792 . . .	259	Answer to the same, signed M. M. Chairman . . .	313
Letter, signed T. Paine, dated London, May 18th, 1792, to the Society for Constitutional Information . . .	262	Letter from G. Knapp, of Norwich, to Mr. Hardy, dated 11th Nov. 1792 . . .	315
Resolutions of the Society for Constitutional Information, in consequence of the foregoing Letter . . .	263	Answer to the same, signed M. Margarot, Chairman, dated November 26, 1792 . . .	317
Letter from the Corresponding Society, dated 31st May, 1792, to Major Cartwright . . .	265	Extract from Barrere's Speech in the National Convention . . .	319
Extracts from Rights of Man . . .	267	Letter from J. Broughton, of Norwich, to D. Adams, dated Norwich, March 5, 1793 . . .	321
Letter from Mr. Paine to Mr. Dundas, 6th June, 1792 . . .	276	Answer to the same, dated 16th April, 1793 . . .	323
Letter from Mr. Hardy to Mr. Tooke, dated 21st September, 1792 . . .	288	Letter, signed M. Margarot and T. Hardy, to the Friends of the People at Edinburgh. May 17, 1793 . . .	325
Address from the London Corresponding Society, to the Inhabitants of Great Britain . . .	289	Answer to the same, signed Wm. Skirving . . .	326
Letter from the London Corresponding Society, with an enclosed Address, to the National Convention of France . . .	295	Letter from Henry Buckle, of Norwich, to T. Hardy . . .	329
Letter from Barlow and		Answer to the same, signed M. M. and T. H. . . .	330
		Letter from A. Callendar, of Edinburgh, to T. Hardy, dated October 5, 1793 . . .	332
		Address to the Friends of the People and of Parliamentary Reform, signed Wm. Skirving	

CONTENTS.

vii

	Page		Page
Skirving and John Philip Franklow	333	the Constitutional Society, and Resolutions, Mar. 27, 1794	ib.
Proceedings of the Constitutional Society, January 17, 1794, and Resolutions	337	Resolutions passed at a Meeting of the Constitutional Society, on 11th April, 1794	361
— January 24, 1794, and Resolutions	338	Circular Letter, signed T. Hardy	363
— London Corresponding Society, at the Globe Tavern, on the 20th January, 1794, and Address to the People of Great Britain, signed J. Martin and T. Hardy	340	Letter, signed T. Hardy, in Answer to a Letter from Newcastle upon Tyne, dated 1st May, 1794	364
Letter from T. Hardy, to Mr. Charles Corbell, of Norwich, dated January 11, 1794	345	Resolutions passed at Sheffield on the Fast Day	366
— to Mr. Wm. Lawes, of Norwich, dated 28th January, 1794	346	— at the London Corresponding Society	367
— from John Horne Tooke, to the different Societies, requesting support for Mr. Sinclair	ib.	Proceedings of the public Meeting held at Sheffield, on the 7th April, 1794, on the Castle Hill	368
— from Maurice Margat, dated Edinburgh, November 24, 1793	348	Resolutions at Sheffield	374
— from the London Corresponding Society, Mar. 4, 1793	350	Henry Yorke's Address to the Meeting at Sheffield, as Chairman	375
— signed M. M. Chairman, and T. H. Secretary, to Mr. J. Kilminster, of Birmingham, June 10, 1793	351	Extracts from Locke's Discourse on Civil Government	381
— from Matthew Campbell Browne, of Sheffield, to D. Adams, dated Nov. 1, 1793	353	Resolutions moved and carried at Sheffield	384
— T. Hardy, to the Norwich Societies, Novem- 23, 1793	355	Petition to the King	385
— J. Thelwall, to Citizen Jack Veillum	358	Resolutions in consequence thereof	388
Resolutions passed at a Meeting of the Constitutional Society, on the 21st Mar. 1794	359	An Address to the British Nation	389
Letter, signed T. Hardy, to		Letter from R. Davidson, to Hardy, dated Sheffield, April 24th, 1794	395
		Ditto to the Norwich Patri- otic Society, from R. Davidson	ib.
		Resolutions of the London Corresponding Society, 24th April, 1794	397
		Letter from the London Corresponding Society, signed T. Hardy, to the Chairman of the Society of the Friends of the People, dated April 4, 1794	399
		Letter	

	Page		Page
Letter to T. Hardy, signed W. Breton, dated 11th April, 1794	401	tional Society, 9th May 1794, with Toasts	407
Resolutions of the London Corresponding Society, 14th April, 1794	402	Letter from T. Paine, to the People of France, dated September 25, 1792	411
Address from ditto, to Jo- seph Gerald, under Sen- tence of the High Court of Justiciary of Scotland	404	Ditto from the Duke of Richmond, to Lieutenant Colonel Sharman, 15th August, 1783	417
Resolutions of the London Corresponding Society di- recting the Committee of Correspondence to con- vey the Approbation of their Society to A. H. Rowan, J. P. Curran, the Society of United Irish- men, in Dublin; to Skir- ving, Palmer, and Muir; to J. Clark, and A. Reid; to Adam Gillies, Mal- colm Laing, and James Gibson; to Thomas Wal- ker, and Sir Joseph Maw- bey	405	Ditto from Mr. H. Tooke, to Lord Ashburton, dated 10th May, 1792	428
Proceedings of the Constitu-		Lord President concludes the summing up of the Evidence	447
		Observations thereon	ib.
		Concludes his Observations upon the Evidence, and directs the Jury to retire to consider their Verdict	465
		Jury (after having retired for about Ten Minutes) bring in a Verdict of Not Guilty	ib.
		Mr. Tooke's Address to the Court and Jury	466
		Subsequent Circumstances	467

THE
TRIAL
OF
JOHN HORNE TOOKE, ESQ.
FOR
HIGH TREASON.

THURSDAY MORNING, NOVEMBER 20.

The Court met at Nine o'Clock, pursuant to Adjournment.

P R E S E N T,

THE LORD CHIEF JUSTICE, LORD PRESIDENT,
THE LORD CHIEF BARON, | MR. BARON HOTHAM,
MR. JUSTICE GROSE, | MR. JUSTICE LAWRENCE.

Major CARTWRIGHT, sworn.—Examined by Mr. ERSKINE.

Q. ARE you, Sir, a member of the Constitutional Society,
whose proceedings have been examined in this Court?

A. Yes, Sir.

Q. How long have you been a member of that society?

A. From its first institution.

Q. By whom, Sir, and for what objects, did that institution
take place?

A. Do you mean I should mention the names of the parties?

Q. By whom was the society instituted?

A. I think Dr. Brocklesby was one of the first members of it,
and the late Dr. Jebb was another, and Mr. Capel Loft was
another.

Q. Was you one?

A. I was one.

Q. What were the objects of that association?

A. The object was to give to the public constitutional infor-
mation,

mation, as expressed in the original title of the society, and of which the members that composed it, thought the public were very much in need.

Mr. *Tooke*. My Lords, I hope I am not disorderly, and that my application to you will not be taken ill. I had prepared a great body of evidence before I knew what time this prosecution would take. I am not desirous to introduce before this court, and consequently before the nation, a great deal of evidence, which I thought might possibly be necessary for my defence. If the court, the prosecutor, and the jury, should think it not necessary for me to go on with that body of evidence which I mean to produce, I shall then be very well contented not to produce it, having no other motive whatever than to do what is necessary in my defence; and wishing to confine myself to no more than I ought; if the prosecutor and jury, should think it absolutely necessary for my defence, that I should go into evidence, then I shall be prepared accordingly. I beg I may go into evidence by the direction of your Lordship.

Lord *President*. It is not for the court to say a word upon that subject; all the court can do, is to say, whether that head of evidence is competent to that head of enquiry; if the prosecutor will say any thing upon the subject, that is another thing; but the court cannot give any intimation or direction in that respect. I myself, individually, have no wish to narrow your defence in any manner. I should wish you to lay it before the court and jury in the fullest manner you can, and I shall think no time mispent in hearing it.

Mr. *Tooke*. My Lord, I am perfectly aware if I did mean, I should not be able to give incompetent evidence; I am satisfied with what the court says, but my address is rather to the prosecutor.

Mr. *Attorney General*. If the address is made to me, I think it my duty to Mr. *Tooke* to say, that under an impression when the case of the prosecutor is understood to have received from the opening of his counsel no answer, I desire Mr. *Tooke* to understand me as meaning to state to the jury, I have proved the case charged in the indictment.

Mr. *Erskine*. (*To Major Cartwright*.) What were the objects of that association?

A. The objects of that association were simply to give constitutional information to the public, and expressly for the purpose of promoting a parliamentary reform.

Q. I was asking what were the purposes and objects of that society?

A. I say they were simply to give constitutional information to the public, and particularly with a view to the recovery of what

what they thought lost rights, essential for the preservation of the constitution, and to promote a recovery of them.

Lord President. To promote a recovery of lost rights?

A. To promote a recovery of what they conceived their lost rights, particularly meaning the representation of the House of Commons.

Q. From the first meeting to this hour, of those members of that society, did that society ever, to your knowledge, change those objects?

A. I never entertained that idea.

Q. If there had been an abjuration by that society of its first objects, should you have known it?

A. For the last two years it has not been in my power to attend scarcely at all. I was many years in the habit of attending that society, and I never did see any idea of changing its objects, or going upon any other principle than that we set out with.

Q. Did your society, in pursuing those objects you have stated, adopt any example, any model, that had been set by other persons?

A. In the outset of that society, I believe the general sentiment of the society was in favour of universal suffrage and annual parliaments; that society was instituted before the Duke of Richmond wrote his letter to Colonel Sharman. The Duke's conduct, upon that occasion, met with the general concurrence of the society.

Q. Did the Duke's plan, as stated in that letter, meet your approbation?

A. That is a fact I cannot positively speak to, because I do not recollect the particular circumstances of the time when the Duke's plan was agitated; but any person that had attended and concerned themselves at all about the society, did understand the Duke of Richmond's bill, as well as his letter to Colonel Sharman.

Lord President. The members knew the nature of the bill and of the plan.

A. Yes, as contained in his letter to Colonel Sharman.

Q. Do you remember it? (*Shewing him a paper.*)

A. I have read the letter myself formerly; I presume this which is shewn to me is an authentic copy?

Mr. Erskine. It has been authenticated by the Duke himself, upon oath—he is not yet come; I sent to Goodwood to him—he will be here.

Witness. Respecting the Duke of Richmond's plan and bill brought into parliament, and his letter to Colonel Sharman, I can speak to the particular knowledge of myself and other gentlemen acting upon this subject, because I had general conversa-

tion with the Duke upon this subject, before he brought in that bill and wrote that letter.

Q. You being a member of the Society for Constitutional Information, and continuing to be so after the Duke of Richmond's application to parliament, and a publication of his plan; did you continue to associate to carry that plan into execution, as far as related to yourself or your own opinion?

A. I continued, and I believe the society itself continued, to act; I cannot pretend to say the sole object of the Society for Constitutional Information was to act exactly and precisely upon the Duke of Richmond's plan; but their great object was a reform, a radical, essential reform of the House of Commons; there were many who thought his plan most likely to succeed, some thought annual parliaments the true principle of the constitution; I was one of that number, and am so still, I speak for myself and others. I can answer for it the society would have thought themselves well content, and the country very happy, if a reform, very considerably short of that which they conceived to be real perfection, could have been obtained.

Q. Would you have ventured to stand up before me, as a member of that society, if from all you saw and observed, you had reason to suspect they meant to subvert the government, and destroy the office and title of King?

A. I would have remained in that society let their objects be what they might; but that would have been to have removed those men who had those objects.

Q. Did you ever hear members of that society propose to bring such a matter to pass?

A. Never.

Q. Until the apprehension of the unfortunate persons, the trials of whom bring us to this place, had you heard of that disposition in this society?

A. Never in the smallest particular.

Q. Did ever any man make a motion, or proposition, or discourse, or signify a thing of that detestable nature, to destroy by force, the law of this country?

A. Certainly not.

Mr. Erskine. I beg your pardon for asking these questions—because you stare at me.

Lord Chief Justice. Ask your questions without those observations.

Mr. Attorney General. I did desire the prisoner might be some where else, and then the difficulty about staring would be got over.

Mr. Tooke. My Lord, the witnesses back was turned to me—I did not look him in the face.

Mr. Erskine. I have a right to look in his face when I examine him.

Lord

Lord President. But not to make those observations.

Mr. Erskine. Did you ever, in all your attendance upon that society, hear any formal motion made, or even discourse uttered, that went to any of the objects charged upon this indictment?

A. Certainly not.

Q. Now, Sir, having spoken to you concerning the general objects of the Constitutional Society, and you having told the court that particular members of the society had shewn a difference of opinion concerning the best mode of adopting this—Do you know the prisoner at the bar, Mr. Tooke?

A. I have known Mr. Tooke about sixteen years.

Q. Has your knowledge been of an intimate sort?

A. Very intimate.

Q. Has your knowledge been of such intimacy, from being a member of that society?

A. Yes.

Q. You can speak to the court concerning his opinions respecting this question?

A. Mr. Tooke always appeared to me, both from his public conduct and private conversation, to be a steady, firm, and inflexible friend to a reform in the House of Commons.

Q. Mr. Tooke always appeared to you, from his public conduct and private conversation, to be a steady, firm, and inflexible friend to a reform in the House of Commons—Do I take you right?

A. Yes.

Q. Was the reform he was the steady, firm, and inflexible friend to, the plan you hold in your hand, or any thing short of that?

A. I don't know that Mr. Tooke had any particular objections to this plan, but I know it did not concur with his particular opinions.

Q. Have you ever argued the matter with him, and found a difference of opinion between him and you?

A. I have.

Q. Did you find Mr. Tooke a man floating in different opinions?

Lord President. Major Cartwright don't know that he had any particular objections to the Duke's plan, but he did not concur with him.

Mr. Erskine. Did you find that in any part of his public conduct, or in the course of that long intimacy you had with him—did you find him floating in different opinions, one one day, and another on another, or continued he to be a man steady in his opinions?

A. Of

A. Of all men, I ever knew, Mr. Tooke appeared to me to be the steadiest and most immoveable in opinions from the time I have known him, because, I believe they were formed prior to that, and his good sense never gave him occasion to alter them.

Q. In the course of the intimacy you have before stated, and your acquaintance with Mr. Tooke in public, Did you ever hear any thing fall from him disrespectful to the office of royalty in this country?

A. Quite the reverse.

Lord President. Quite the reverse of what?

Mr. Erskine. I asked him, whether in the course of his intimacy with Mr. Tooke he ever discovered an objection to the office of the King—he says, quite the reverse.

Witness. In conversing with Mr. Tooke at times when other opinions were put abroad, I always heard him maintain that the royal and aristocratical parts of the constitution of this country were good.

Lord President. You always found what?

A. That he held the regal and aristocratical branches of the constitution were good and excellent in themselves, and if a reform in the other branch of the constitution——

Q. What other branch do you mean?

A. The House of Commons—that then our constitution, in his opinion, would be the most perfect of any upon earth—then the English constitution, in his opinion, would be the most perfect of any upon earth. I am not using Mr. Tooke's words, but, in his mind, I always understood it passed from his words.

Q. This is not what he said upon any particular occasion, but the result of all your conversations with him?

A. For sixteen years past invariably.

Q. How long is it since you have seen Mr. Tooke, before you could get an order to see him?

A. I don't think I have seen him since the spring of the year 1792.

Q. Did you find any difference in the opinion he had so long inflexibly pursued?

A. Not in the least. I can recollect a conversation, I believe two or three times repeated, at different times, which made an impression upon my mind from a sort of illustration Mr. Tooke made use of, in order to shew that his objects did not go to those lengths that Mr. Paine and other persons, who speculated upon government, did. I remember particularly his illustrating it by speaking of persons travelling in a stage coach together, he said, men may get into the same stage coach with an intention of travelling a certain distance, one man chuses to get out at one stage, some at another, and so some men want something

omething more than a reform, I want a reform in the House of Commons only—He said, if I and several men are in the Windsor stage, I find myself at Hounslow, and I will get out (applying it to the House of Commons) and no further will I go, by God!

Q. Did you ever hear of a letter from the Society for Constitutional Information, of which you then was and still are a member, to a society of gentlemen, called the Friends of the People, in Frith-street, which has been attributed to Mr. Horne Tooke.—Be so good as to say who was the author of that letter?

A. Not Mr. Tooke; that I can say of my own positive knowledge, a knowledge that cannot deceive me.

Lord President. What letter?

Mr. Attorney General. Your Lordship will find it in Appendix C.

Lord President. What is the name of it?

Mr. Attorney General. I take it to be the letter which produced the answer that the Society of the Friends of the People declined intercourse.

Mr. Erskine. The answer is dated Free Masons Tavern, May 12, 1792.

Q. Cast your eye upon that letter? (*A paper shewn him.*)

A. I have read this letter in the report of the Secret Committee of the House of Commons. I suppose it stands here as it did there—I believe it is a perfectly true copy of the original.

Q. How came you to be so well acquainted with that letter?

A. I was in the chair when that letter was sent, and I was the person who subscribed it as chairman of the society.

Q. And you consented to the sending of it?

A. I did.

Q. What was the object of sending it; I mean from what passed in the society at the time it was sent?

A. It had been the object in the Society for Constitutional Information, that gentlemen in opposition to government, in both houses of parliament, very frequently made professions of patriotism, but did not always act up to the same principles; that letter was written as a serious, friendly, solemn warning to that society, which was composed, in a considerable degree, of members of parliament; it was meant as a serious, solemn warning to that new society, which was composed principally of members of parliament to a considerable degree.

Q. A warning of what sort, Sir, and to what purpose?

A. To guard them against a departure from those principles which they once professed friendly to the constitution.

Q. Was that a general observation of the society at the time of

of that application, or had it a general idea, as a thing that had happened; or, in their conception, had happened?

A. As I conceived, it was not meant to convey any personal reflection applied to particular gentlemen at that time, but only to those observations they had been in the habit of making, for that had been the practice too frequently.

Q. That, I understand, was in consequence of observations in the society upon that subject?

A. Just so.

Q. Was that letter by the Society for Constitutional Information, so sent to the Friends of the People, meant to convey a determination to pursue more than a Parliamentary Reform in the House of Commons?

A. The letter, I should imagine, will explain that.

Q. At the time it was sent—what was the object of the society that sent it?

A. Certainly not meaning any thing but a Reform in the House of Commons.

Q. Whether upon the day that letter was sent, or before the day it was sent, or at any time before it was sent, had any thing been started by the persons that sent it, beyond a Reform in the House of Commons?

A. No such thing—I only speak of my own knowledge when I happened to be there; nor did I ever hear that any such thing ever happened.

Q. Was you a member of this new Society of the Friends of the People at the time that letter was sent?

A. I was.

Q. So that, if I understand you, you was the chairman in that Constitutional Society, which was writing in fact to yourself, and to the others, in the character of Friends of the People?

A. Yes.

Q. Then you did not mean, nor did the secretary mean, to your knowledge, to signify to the Friends of the People, of which you was one, that you meant to do something different from yourselves at another place?

A. Certainly not.

Q. That letter was received by the society of the Friends of the People; after it was received, and after the answer was sent, did you continue to be a member of the Society of the Friends of the People?

A. I did, and am now.

Q. Did the Society of the Friends of the People know, and do they know now, that you was a member of their society, and a member of the other society, and still continue to be so?

A. They

A. They could not but know it, because I had signed that letter as chairman of the Society for Constitutional Information.

Q. Do you know who wrote that letter signed, by Lord John Russell?

A. No, I do not.

Q. Are there any other members of the Constitutional Society that were, at that time, in the same predicament with yourself, members of both societies?

A. I cannot call to my mind any in particular.

Q. Is not Dr. Towers one?

A. Dr. Towers was one.

Q. Is he a member now of that society?

A. Not having attended of late, I cannot answer.

Q. Then, upon the whole, am I to understand, that until this circumstance, which brings us to this place, the apprehension of the prisoners, you never saw or heard any thing in the societies that led you to believe a design was made against the constitution?

A. So far from a design against the constitution, the very design and object of the society was to preserve the constitution, and restore it to its true principles.

Q. Did you ever hear of any proposal for any force, arms, or violence?

A. No.

Q. Have you any reason to believe, from what you ever saw or heard, there was such a matter in agitation?

A. No; I have not.

Mr. Tooke. Does Major Cartwright recollect who had the title of father, or founder of the Constitutional Society?

A. The society did me the honour to call me their father, though other gentlemen were originally concerned in the institution with myself.

Q. Was Major Cartwright acquainted with me at the time of the formation of that society?

A. I think not—I think it was afterwards.

Q. Does Major Cartwright recollect that I was at any time, or professed myself to be, a friend or favourer of the scheme of Universal Suffrage?

A. Certainly not.

Q. Does the Major recollect that I ever disputed with him upon that which he called the axiom and ground of his plan?

A. I do.

Q. From what author was it he took his plan?

A. The author, Mr. Horne Tooke alludes to, was Locke—

I think I remember his observation when I talked of Locke, he called it his dogma—I think he said, he thought it would not bear me out in the conclusion I drew from it?

Q. Was I not of opinion Mr. Locke, in his principles, was mistaken?

A. From the tenor of Mr. Tooke's conversation, he appeared to me to think Locke was mistaken, and that I was mistaken also. I did not go so far into discussion at that time, but waved it, as I did not think myself fully prepared to discuss the question with such an able man as Mr. Tooke. I took more time, I meant to renew the conversation, but it so happened I never did.

Q. Does Major Cartwright remember it was this, that every man had a right to share in the government?

A. That was the substance of it.

Q. If Major Cartwright thinks there is any danger in these times in answering the question I am going to put, he will decline it—Does the Major recollect publishing an engraving with numberless writings round it, to prove these propositions of universal suffrage, and the right of every man to a share in the government?

A. Perfectly.

Q. Does the Major recollect, whether in disputing upon the principles, I did or did not subscribe to that engraving?

A. I have a faint recollection there was some circumstance, but my recollection is so faint I cannot undertake to give an answer?

Q. From any conversations between Major Cartwright and myself, can he or can he not draw any conclusion of my opinions respecting Mr. Paine or his writings?

A. I drew conclusions in my own mind from conversations Mr. Tooke and I had upon Mr. Paine's writings.

Q. What was that conclusion?

A. That Mr. Tooke by no means approved of a great part of Mr. Paine's writings, but that he thought other parts of his writings would be very beneficial not only to this nation but to others.

Q. Did the Major then think that I approved of Mr. Paine's writings?

A. Only in part.

Q. Can the Major recollect whether, at any time, I spoke generally in praise of Mr. Locke?

A. I do not remember it.

Q. Did the Major ever hear me praise a pure democracy?

A. Quite the contrary.

Q. Has

Q. Has the Major ever heard me contest it with those who did?

A. Frequently.

Cross-Examination.

Mr. *Attorney General*. Major Cartwright, as far as appears by the books of the Constitutional Society, I believe, the last time you was present in that society was the 25th of May, 1792?

A. It must have been somewhere about that time.

Q. Have you seen Mr. Tooke since the 25th May, 1792?

A. I think I have not—it is hardly probable I attended that society until about the time I left town, since which I have not seen Mr. Tooke until I saw him in this court.

Q. Of course, Major Cartwright, you know nothing of the proceedings of the Constitutional Society since May, 1792, except you saw them in print—you was not present?

A. Certainly not.

Q. You was no party to the addresses sent to France?

A. I was a party to one address, but I forget the title.

Q. Since May, 1792?

A. I cannot recollect the date, Sir, but I was present at that society, to the best of my remembrance, when a letter, or address, or something of that sort, was sent to a society called the Jacobins, a society of the Friends of the People or constitution, called Jacobins.

Q. With respect to any future addresses you was no party to them?

A. Certainly not.

Q. You had been no party to the societies in Norwich, or elsewhere, upon the subject of a convention to be held any where?

A. I was not there when the subject of a convention was agitated.

Q. You was not there at the time a letter was written to the Editor of the Patriot at Sheffield, in which it was said, that the vipers, monarchy and aristocracy, are wreathing in the grasp of infant freedom; and the society says, may peace and happiness attend its efforts?

A. I don't remember any correspondence of that kind, when I attended the society.

Q. Do you remember any conversation, previous to May, 1792 (for what passed afterwards you don't know), in which it was said, the vipers, monarchy and aristocracy, were wreathing in the grasp of infant freedom?

A. No; I do not.

Q. If any member of your society had expressed himself so to a country society, at Sheffield, or elsewhere, that the vipers monarchy and aristocracy were wreathing in the grasp of infant freedom, and expressed his hopes that success might attend those efforts, you would have been vastly surprised?

A. That would have depended upon the particular circumstances to which the letter applied.

Q. Do you mean to say, that if there had been a proposition to write such a letter, containing those expressions, it would not have surprised you if it was written?

A. If it applied to any government where monarchy and aristocracy had been enemies to freedom, I should have thought well of it.

Q. If such an expression had occurred about the monarchy of England, should not you have been surprised?

A. That is a general question, which it is difficult to give a clear and satisfactory answer to, because I conceive the meaning and force of expressions depend upon the context by which they are introduced.

Q. I believe all the world knows you was the father, and reputed the father of the Constitutional Society, and you have likewise stated you was and are still a member of the Friends of the People?

A. Yes, Sir.

Q. You have also said, that the letter which the society for Constitutional Information sent to the Friends of the People, was a solemn admonition to them for the purposes you have mentioned?

A. Yes, Sir.

Q. I take it for granted you could not possibly doubt but that letter would be very well understood to be such by those to whom it was addressed—You have seen the letter?

A. I have, Sir—In so large a society as that of the Friends of the People, I thought it was very likely there might be different opinions formed upon that, because in large societies that which might appears to one good and wholesome advice, to another might be offensive, because every one don't chuse to take advice.

Q. You are a member of the Society of the Friends of the People?

A. Yes, Sir.

Q. You may recollect Lord John Russell writing an answer to that letter?

A. I do.

Q. You may recollect, at a general meeting of the Friends of the

the

the People, Lord John Russell's answer was approved by the Society of the Friends of the People?

A. I do recollect it.

Q. Possibly you may recollect the society of the Friends of the People, of whom you were one, stated to the society for Constitutional Information, they would have no further correspondence with the Society for Constitutional Information, because they looked upon the principles of that society to be different to what they professed—to inform and enlighten the people?

A. There is so much contained in that question that I have not a clear recollection of it.

Q. You may recollect that Lord John Russell, in that letter which was approved by that society, stated the Friends of the People as declining to have any future intercourse with the Constitutional Society—Do you recollect that?

A. Yes; I do.

Q. Do you recollect the reason of it to be this, that the Friends of the People regarded the resolutions and proceedings of the Constitutional Society as different from those that they professed—to inform the people?

A. I remember when it was agitated in the Society of the Friends of the People, whether this letter should be sent, there was much variation in opinion—the question was carried by only one single casting vote.

Q. Then, in the Society of the Friends of the People, the question about this letter was carried only by one single casting vote?

A. I am not sure what was the precise question—I think it was whether such an answer should be sent or not.

Q. In that letter Lord John Russell says, 'We profess not to entertain a wish that the great plan of public benefit which Mr. Paine has so powerfully recommended, will speedily be carried into effect'?

A. I remember such an expression.

Q. Now you may recollect that expression is taken from a resolution of your Constitutional Society, approving a resolution sent up from Manchester, in which are the very same words—'The other great plan of public benefit which Mr. Paine has so powerfully recommended, will be speedily carried into effect.'

A. Very possibly, Sir.

Q. Signed by Thomas Walker, at Manchester?

A. I don't recollect the circumstance.

Q. Then am I to understand you, after the Society of the Friends

Friends of the People had by one casting vote, or otherwise, declared they did not entertain a wish that the great plan of public benefit which Mr. Paine has so powerfully recommended, will be speedily carried into effect, and they would have no correspondence with the Constitutional Society; after this letter you remained a member of both these societies?

A. I did.

Q. Then you remained a member of a society which had thanked Mr. Walker, of Manchester, for a letter proposing Mr. Paine's plan to be carried into execution, and remained a member of another society that told you they did not approve of it?

A. I remained a member.

Q. After the Society of the Friends of the People had given this answer to the Constitutional Society, did you ever explain to the Friends of the People in what they were mistaken respecting that letter, or did you think that letter of the Constitutional Society, was rightly interpreted by the Friends of the People?

A. There was no explanation upon it by the Society for Constitutional Information, but by myself and another or two, that were at that time Friends of the People.

Q. Now then, as you were a member of both societies, I suppose you informed the Society for Constitutional Information, what had passed with the Friends of the People about it?

A. We had conversation upon it.

Q. You never set the Friends of the People right, by informing them you did not mean to introduce those delusive plans—You never sent another letter to explain yourself?

A. I did not apprehend it was at all necessary.

Q. Did you ever see a letter of the 26th of May, 1792, from Ashton, of Sheffield, to the Constitutional Society, upon a difference between those two societies?

A. I don't remember it.

Q. Have you seen a letter with that gentleman's hand-writing interspersed in it?

A. I do not remember.

Q. I perceive, as far as appears by that book, you were present at the Constitutional Society, and in the chair, upon the 30th March, 1792?

A. I don't recollect any thing in particular, but the book will shew it.

Q. You may possibly recollect, when you were present there were twelve people, associated members from Sheffield, there, John Paine, Joseph Gales, Joseph Smith, Davis Martin, James Horsfield, Joseph Lee, Benjamin Dunn, and others?

A. I think

A. I think I have some recollection of some associated members being introduced, but I don't recollect their names.

Q. Nor did you know their persons?

A. None of them.

Q. But you agreed to their being admitted?

A. I believe it was agreed so in the society—the society were not at all afraid of persons coming among them.

Q. Did you happen to see the letters from Sheffield to the Society about associating these twelve persons with the society?

A. I don't recollect it.

Q. Do you recollect seeing any letter from Sheffield about associating these members, with the hand-writing of other persons inserted in it?

A. I don't recollect particularly, if the letter was shewn to me I might possibly recollect it.

Q. You may possibly recollect there were several resolutions, purporting to come from the London Corresponding Society, and purporting to be signed Thomas Hardy, Secretary, upon the same day, the 30th March, 1792?

A. Without I have them I cannot recollect?

Q. It is this, "Resolved, That every individual has a right to share in the government of that society of which he is a member, unless incapacitated.

"Resolved, That nothing but non-age, a privation of reason, or an offence against the general rules of society, can incapacitate him."—And several others signed, Thomas Hardy.

A. I have seen them, but I cannot recollect where I saw them, or when.

Q. Did you ever see a paper containing these resolutions with the signature of Thomas Hardy, Secretary, in the hand-writing of Mr. Tooke?

A. I do not recollect it.

Q. Do you happen to know there was a set of those resolutions, with the signature Thomas Hardy, Secretary, in the hand-writing of Mr. Tooke?

A. I do not know of it—I don't think I ever did know of it.

Q. Do you not know that the prisoner had been consulted about the constitution of the London Corresponding Society?

A. I do not know it.

Q. It appears also by the books you was present on the 20th April, 1792—Do you recollect a declaration coming from the Three Tuns Tavern, Southwark, from a society calling themselves Friends of the People?

A. I think I do.

Q. Do you recollect it was introduced by words that formed
a declaration

a declaration of rights, upon which the French constitution of 1791 was formed?

A. Possibly so.

Q. Do you remember this, that the exercise of that right in appointing an adequate representative government, is the wisest desire of human policy, and the only security of national freedom?

A. I think there was a proposition of that kind.

Q. Then here is an entry, that the thanks of the Constitutional Society should be given to the Society of the Friends of the People, at the Three Tuns Tavern, Southwark, that came to this resolution—Were the thanks of the society given them?

A. I suppose it must have been so, if it appears upon the book—I really cannot recollect.

Q. It appears also you were present upon the 27th April, 1792—Do you recollect that upon the 27th May, 1792, there were twelve people associated from Norwich?

A. That appeared at the Society for Constitutional Information?

Q. No; they did not appear there?

A. I do not recollect; I have never looked at those resolutions since that time, and I really cannot carry them in my head.

Q. You know the book; you have seen it, I dare say?

A. I have seen it, but I cannot recollect.

Q. I ask if you saw the letter, in consequence of which the twelve gentlemen, as they are called, were associated with the Constitutional Society?

A. Upon my word, Sir, I cannot say; if they were admitted when I was present I cannot recollect, I have read so many papers upon the subject, it is impossible for me to recollect.

Q. Mr. Paine was a member of your society?

A. I think he was an associated member, called an honorary member.

Q. He attended pretty much in the beginning of year 1792, at your meetings?

A. He did attend them.

Q. Now as you were of both societies, if the Friends of the People and the Constitutional Society, had set out together on the Hounslow road, did you intend to get out of the coach at Hounslow, or to go much farther?

A. I meant to obtain a reform in the House of Commons.

Q. And with any company that chose to go with you; did you

you mean to travel as far as Paine would travel, or the Friends of the People?

A. I did not mean to govern my proceedings by any society or set of men whatever; my idea was to obtain a reform in the House of Commons, and I was very glad of any man going towards obtaining it.

Q. Had you any thing to do to support Paine in the prosecution against him?

A. Not that I recollect.

Q. Do you happen to know what part of his books were prosecuted—I ask if you know what part of his books were prosecuted—were his doctrines about the monarchy of this country?

A. I apprehend they were.

Q. You were not present in the society when Paine offered them 1000*l.* as the profits of his work?

A. I have seen some letter to that effect from Mr. Paine, but whether it was introduced or not, I don't know. I think it was by letter that there was such an offer. I think, in the letter, he said, the profit of his work amounted to 1000*l.* and he made an offer of it to the society; but I never heard it was accepted.

Q. Do you know any thing of Mr. Gerald?

A. No, Sir; I don't know that I ever saw him.

Q. He seems to have been present when you was in the chair on the 18th of May, 1792?

A. Very possibly, Sir, he might be present; when I have been there and the room full, I have not known three faces.

Q. If it appears by the books, that the meeting determined to support Paine in the prosecution, when you was in the chair—Have you any doubt you was in the chair at the time?

A. I should take it for granted I was so.

Q. And this was to support him against a prosecution of those works of his that related to the monarchy?

A. It was not known what parts were prosecuted.

Q. You think it was not known, at that time, what parts of it were prosecuted?

A. I think so.

Q. But afterwards it must be known before the prosecution could come on?

A. Yes.

Q. Then, at last, they must have meant to support him in that part?

A. I think so.

Q. You have said, if any body meant to hurt the monarchy of this country, you would continue of the society, if it was only

to get him out—How came you to remain in the society when you knew Paine published such books?

A. I did not take it Mr. Paine's books were meant to overturn the government, but as discussions upon the subject of government.

Q. Then your meaning was not to permit any body to continue in the society that wished to touch the monarchy of the country, you had no objection to associate with Mr. Paine in the society, thinking his works were merely reasonings upon the constitution—Would you have staid if a conspiracy was going on?

A. If I thought any person acted the part of a conspirator, I should have tried to have brought him to justice. I certainly should have thought it my duty.

Q. You was never present at the Constitutional Society in company with Gerald and Sinclair, after they came from Scotland?

A. I presume I could not be.

Q. Did you happen to see them any where else?

A. I have seen Sinclair, but I don't remember Mr. Gerald at all.

Q. Did Sinclair state the proceedings held in the convention in Scotland?

A. I have never seen him since 1792.

Q. Did Sinclair inform you what passed in the convention in Scotland?

A. No; to my knowledge I never saw Gerald in my life; but Sinclair I have never seen since the spring of 1792.

Q. Then I understand you finally to say, you never have attended the society since 1792?

A. I don't remember the particular date.

Mr. Tooke. I think you said, you believed you did not know me before you saw me at the society for Constitutional Information?

A. No, Sir, what I meant to say is, I thought my knowledge of you was after the society was formed, before I met you in the society; I am apt to think you was introduced upon my nomination, and I requested you to belong to the society.

Q. You expressed so much respect and confidence in me, I need not ask that now; but I ask, if before you had that respect for me, and before you had that confidence in me, you had not heard I had been convicted of a libel?

A. You had.

Q. I desire to know whether you have read the proceedings in Scotland against Gerald and the others?

A. I only read the trial of Mr. Muir.

Q. Should

Q. Should you have thought yourself dishonoured, if knowing of no other harm of him than what you read of the shameful punishment of him, by associating with him?

Attorney General. I must not sit here to hear a question put in that way, "shameful punishment!"

Mr. Tooke. I enquired of you, and I took a particular instance rather than a general one, whether you, having had respect for me, and confiding in me, though you knew I had undergone an ignominious sentence, and having read my trial, whether, though in other respects I possessed valuable qualities, you should have associated with me after sentence had been pronounced upon me?

Lord President. That is material as far as regards yourself, but with regard to Mr. Muir it is not.

Mr. Tooke. I mean to shew the propriety of my question; the Attorney General has cross-examined the witness in order to fix guilt upon me, by supposing, after Mr. Paine's works had been prosecuted, I associated with him, and guilt in me for having assisted Paine in his supposed poverty, by contributing to his defence. I ask this question, as not relative to me, but of any other person convicted of a libel, which would have produced the same sort of punishment—Whether he should have thought it dishonourable to keep him company, and to know if he would associate afterwards?

Lord President. You are correct in asking the question of yourself, or any other person, so far as has immediate tendency, or with respect to what was done by Mr. Paine, but with respect to Mr. Muir, it has no tendency.

Mr. Erskine. My Lord, it was proved in Mr. Hardy's trial, and is most material in this—I wish to point the attention of the court to the original address to the nation by the Constitutional Society, at its first institution, holding out its objects to the world, which objects it still continues in; in so many words, they are these, laying aside all pretensions to originality, we claim no other merit than that of considering and verifying what has been verified in our common cause by the Duke of Richmond—that is not all, the Attorney General has made an argumentative address

Mr. Attorney General. I desire the question may be put immediately to the Duke of Richmond?

Mr. Erskine. Mr. Attorney General will see I don't want to impute to the Duke of Richmond what I have in my hand; the Attorney General through the channel of his examination, was imputing guilt to the gentleman I am defending, because the Constitutional Society, of which he was a member, received

twelve associated members from the Sheffield Society, among whom was a person of the name of Broomhead.

Lord President. This is observation.

Mr. Attorney General. I don't mean to interrupt Mr. Erskine at all, but I do humbly beg the court will not permit observations to be made.

Mr. Erskine. I am exercising my right, which I understand to be opposed.

Mr. Attorney General. My learned friend understands he is opposed when I said he was not opposed.

Mr. Erskine. This letter is marked by the associate as the letter that was read.

Lord President. It has been shewn to the witness, and proved, and proceeded upon.

Mr. Erskine. (*to the Clerk of Arraignment.*) Is that your signature?

A. It is.

Mr. Erskine. Then read the letter. (*Clerk reads*)

A Letter from his Grace the Duke of Richmond to Lieutenant Colonel Sharman, of the Irish Volunteers.

" SIR,

" I have been honoured with a letter from Belfast, dated the 19th of July last, written in the name of the committee of correspondence, appointed by the delegates of forty-five Volunteer Corps, assembled at Lisburn, on the first of the same month, for taking preparatory steps to forward their intentions on the subject of a more equal representation of the people in parliament, and signed by their secretary, Henry Joy, Jun. Esq.

" In this letter, after shewing the corrupt state of the boroughs in Ireland, the general opinion of the people that the constitution can be restored to its ancient purity and vigour by no other means than a parliamentary reform, and informing me of the steps which have been taken and are taking by the Volunteers, in determining to procure this desirable object, the committee is pleased 'to request my sentiments and advice as to the best, most eligible, and most practicable mode of destroying, restraining, or counteracting this hydra of corruption—borough influence, in order to lay my opinion before the provincial assembly of delegates, which is to be held at Dungannon on the 8th of September next.'

" This great mark of confidence from gentlemen in whom so much trust is placed, does me great honour: for as I have not the pleasure of being personally known to any of them, I can owe it but to the favourable opinion they are pleased to entertain of my constant and zealous endeavours in the public service.

" I am

“ I am sensible that the only proper return I can make for this honourable distinction, is to obey their commands in the best manner I am able; for although my insufficiency for so arduous a task would afford me but too good an excuse for declining it, yet I feel it would be inconsistent with my ideas of the obligation every man is under to serve the public as well as he can, if I was to refuse giving my opinions, such as they are, when thus called upon by a respectable body of gentlemen.

“ Besides my inability, I have to regret the want of time to collect and arrange my thoughts in such a manner as to be fit to appear before you, and the necessary limits of a letter, which will not admit of the extensive investigation which a subject of this vast importance deserves; for although I fear I must be long, I am sensible I cannot do it justice.

“ The subject of a parliamentary reform is that which of all others, in my opinion, most deserves the attention of the public, as I conceive it would include every other advantage which a nation can wish; and I have no hesitation in saying, that from every consideration which I have been able to give to this great question, that for many years has occupied my mind, and from every day's experience to the present hour, I am more and more convinced that the restoring the right of voting universally to every man, not incapacitated by nature for want of reason, or by law for the commission of crimes, together with annual elections, is the only reform that can be effectual and permanent. I am further convinced that it is the only reform that is practicable.

“ All other plans that are of a palliative nature have been found insufficient to interest and animate the great body of the people, from whose earnestness alone any reform can be expected. A long exclusion from any share in the legislature of their country, has rendered the great mass of the people indifferent whether the monopoly that subsists, continues in the hands of a more or less extended company; or whether it is divided by them into shares of somewhat more or less just proportions. The public feels itself unconcerned in these contests, except as to the oppressions it endures, and the exactions it suffers, which it knows must continue so long as the people remain deprived of all controul over their representatives. This indifference of theirs, when the last attempt was made for additional county members, was used by our opponents as an argument against all reform; it was asked with a triumphant air, where are the petitions from the inhabitants of Birmingham, Manchester, Halifax, and other great unrepresented towns? And their silence was
deemed

deemed a proof of their acquiescence and satisfaction in the present form of elections! The truth is, that the people have been so often deceived, that they will now scarcely trust any set of men; and nothing but self-evident conviction, that a measure tends effectually to the recovery of their rights, can, or, indeed, ought, to interest them in its favour.

“ The lesser reform has been attempted with every possible advantage in its favour; not only from the zealous support of the advocates for a more effectual one, but from the assistance of men of great weight, both in and out of power. But with all these temperaments and helps it has failed. Not one proselyte has been gained from corruption, nor has the least ray of hope been held out from any quarter, that the House of Commons was inclined to adopt any other mode of reform. The weight of corruption has crushed this more gentle, as it would have defeated any more efficacious plan in the same circumstances.— From that quarter, therefore, I have nothing to hope. It is from the people at large that I expect any good. And am convinced, that the only way to make them feel that they are really concerned in the business, is to contend for their full, clear, and indisputable rights of universal representation. I call them such, not only from my own conviction, but from the admission of the friends to the more moderate plan, who, in the second address of the Yorkshire committee to the people, confess that our claims are founded on the true principles of the constitution, and only object to them on account of impracticability. But their plan has had now a fair trial, and (if it is from the inclination of parliament that practicability is to be expected) has been found as impracticable as ours. The more extensive plan, at the same time that its operation is more complete, depends on a more effectual support, that of the people.

“ I am also persuaded, that if the scheme for additional county members had proceeded any further, infinite difficulties would have arisen in adjusting it. Neither the Yorkshire committee, nor Mr. Pitt, have given the detail of their plan. A just repartition would have been a most intricate task, for where different interests are separately represented, the proportion is not very easy to ascertain. The doubt you state concerning this mode of reform appears to me well founded; a few great families might divide a county between them, and chuse the members by a house list, like East India Directors. Another difficulty, from the encrease of the number of members, which might render the house more tumultuous than deliberate, has its weight. But the greatest objection, in my opinion, to this and to every other narrow and contracted plan of reform, is that it proceeds upon the
same

same bad principles as the abuse it pretends to rectify ; it is still partial and unequal ; a vast majority of the community is still left unrepresented ; and its most essential concerns, life, liberty, and property, continue in the absolute disposal of those whom they do not chuse, and over whom they have no controul. In the arrangements of plans of this kind there is no leading principle to determine that the addition ought to be, one hundred, fifty, or two hundred ; that the allotment should be according to the population, property, or taxes paid in each county ; that any supposed proportion between the landed and trading interest is the just one, and that the division of county and city members will correspond with this proportion when found. All is at sea without any compass to enable us to distinguish the safe from the dangerous course.

“ But in the more liberal and great plan of universal representation, a clear and distinct principle at once appears that cannot lead us to wrong. Not conveniency but right ; if it is not a maxim of our constitution, that a British subject is to be governed only by laws to which he has consented by himself or his representative, we should instantly abandon the error ; but if it is the essential of freedom, founded on the eternal principles of justice and wisdom, and our unalienable birth-right, we should not hesitate in asserting it. Let us then but determine to act on this broad principle, of giving to every man his own, and we shall immediately get rid of all the perplexities to which the narrow notions of partiality and exclusion must ever be subject.

“ In the digesting a plan upon this noble foundation we shall not find any difficulty that the most common understanding and pains will not easily surmount. It does not require half the ingenuity of a common tax-bill ; and as a proof of this assertion I myself drew the form of a bill for this purpose, which I presented to the House of Lords in 1780 : not as a perfect work, but merely to shew how easily the objections to the practicability of the plan, and the inconveniences that are suggested, might be got over.

“ I believe the sending you a copy of my bill will be the best way of explaining its operations. I have not one ready at this moment, but it shall soon follow this letter.

“ I shall, therefore, only mention, at present, a few of its provisions, which, I think, entirely remove the most plausible objections that have been urged against it.

“ The present number of members in the House of Commons is preserved, so that all apprehension from too numerous an assembly ceases.

“ An account of the whole number of males of age in the kingdom

kingdom is to be taken and divided by the number of members to be sent, which will find the quota of electors to chuse one member; from the best accounts I can now get, it will be about two thousand six hundred: these are to be formed into districts or boroughs from the most contiguous parishes; and by having all the elections throughout the kingdom in one and the same day, and taken in each parish, all fear of riot and tumult vanishes.

The great expence of elections, which arises chiefly from the cost of conveying electors to the place of poll, and entertaining them there and on the road, will be no more when every man will vote in his own parish. Bribery must entirely cease; in a single borough it would be difficult, on so many, as to have any effect impossible. The numbers to be bought would be infinitely too great for any purse. Besides, annual parliaments, by their frequency, and by their shortness, would doubly operate in preventing corruption.

“ The vast expence of petitions to parliament, on account of illegal returns, would be reduced almost to nothing. The points on which these contests generally turn, are the qualifications of the electors under the numberless restrictions the present laws have imposed, which require the attendance of witnesses, the production of records, and are subject to infinite dispute. But when no other qualification should be necessary but that of being a British subject, and of age, there can be but little left to contend upon as to the right of electors to vote. All other questions that could afford ground for a petition would be trifling, and might be decided in one day. Many other objections are obviated by the bill, but it is needless here to mention them.

“ But there is another sort of objection against which no provision can be made, as it is merely imaginary. It is feared by some, that the influence of power and riches will give to the aristocracy so great a lead in these elections, as to place the whole government in their hands. Others again dread, that when paupers and the lowest orders of the people shall have an equal vote with the first commoner in the kingdom, we shall fall into all the confusion of a democratic republic. The contrariety of these two apprehensions might of itself be a sufficient proof that neither extreme will take place. It is true, that the poorest man in the kingdom will have an equal vote with the first, for the choice of the person to whom he trusts his all; and I think he ought to have that equal degree of security against oppression. It is also true, that men of superior fortunes will have a superior degree of weight and influence; and, I think, that as education and knowledge generally attend property, those
who

who possess them ought to have weight and influence with the more ignorant. But the essential difference will be, that, although the people may be led, they cannot be driven. Property will have its weight, as it ever must have, in all governments; and I conceive that, in this plan, it will precisely find its just proportion combined with talents and character. A man of great property, that is beloved and esteemed, will, as he ought, have the greatest sway; but tyranny and oppression, though attended with riches, may be resisted, and will no longer be attended with a burgeat tenure at command.

“ Another subject of apprehension is, that the principle of allowing to every man an equal right to vote, tends to equality in other respects, and to level property. To me it seems to have a direct contrary tendency. The equal rights of men to security from oppression, and to the enjoyments of life and liberty, strikes me as perfectly compatible with their unequal shares of industry, labour, and genius, which are the origin of inequality of fortunes. The equality and inequality of men are both founded in nature; and whilst we do not confound the two, and only support her establishments, we cannot err. The protection of property appears to me one of the most essential ends of society: and so far from injuring it by this plan, I conceive it to be the only means of preserving it; for the present system is hastening with great strides to a perfect equality in universal poverty.

“ It has been said, that this plan of extending the right of voting to every individual, creates much uneasiness in the minds of quiet and well disposed persons; and that if paupers, vagabonds, and persons of no property, were left out, there would be no objection to extend it to all householders and persons paying taxes; and that the same division into districts might take place. My answer is, that I know of no man, let him be ever so poor, who in his consumption of food and use of raiment, does not pay taxes, and that I would wish to encourage an enthusiasm for his country in the breast of every subject, by giving him his just share in its government. I readily admit, that such an alteration would be a vast improvement; but I must prefer the adhering rigidly to a self-evident principle, especially when attended with no inconvenience in the execution, that I can foresee. Besides, we should again fall into the difficulties of drawing the line of separation, and into the disputes about qualification.

“ The apprehensions that our government will become too democratic, have been urged on another ground. It has been said, that the House of Commons has usurped the whole power of government; that the crown in reality no longer possesses its negative, and must in all things be ruled by the House of Com-

mons; that the House of Lords, in consequence of its exclusion (by the will of the House of Commons and not by law) from interfering in money bills, no longer, in fact, exercises the functions of a branch of the legislature; that the only means by which the balance of the constitution is now in any degree preserved, is by the irregular influence of the crown and of the peers in the House of Commons; and that if they are totally excluded from interference there, as it is supposed will be the case if this bill passes, and are not restored to their original share of power, the equilibrium will be destroyed, and the government become purely democratic.

“ To remedy this objection, it has been answered by others, that it is but just and reasonable, and that they mean, at the same time, that the Commons are restored to their rights, that the crown and the peers should recover theirs. This answer has been ridiculed, in my opinion, with more wit than solidity of argument. It has been represented as admitting that, whilst the House of Commons continue corrupt, the King and Lords should submit to its decisions; but that when it should really speak the voice of the people, then it would be right to revive the dormant powers of resisting it.

“ For my part I agree in opinion with those who are for restoring to all parts of the state their just rights at the same time to do it generally; not partially is what I must contend for. At the same time, I admit that I am not for restoring the negative of the crown. My reason is, that it appears to me preposterous that the will of one man should for ever obstruct every regulation which all the rest of the nation may think necessary. I object to it, as I would to any other prerogative of the crown, or privileges of the lords or people, that is not founded on reason.

“ But I agree, that if the House of Commons was reduced to its natural dependence on the people alone, and the present system of making it the exclusive part of government was continued, we should approach to a pure democracy more than our constitution warrants, or than I wish to see. I am not for a democratic any more than for an aristocratic, or monarchic government, solely; I am for that admirable mixture of the three, that our inimitable and comprehensive constitution has established; I wish to see the executive part of government revert to where the constitution has originally placed it, in the hands of the crown to be carried on by its ministers; those ministers under the controul of parliament: and parliament under the controul of the people. I would not have parliament made, as it daily is, a party concerned in every act of state, whereby it becomes

comes the executive for which it is not calculated, and loses its superintending and controuling power, which is the main end of its institution. For when the two houses are previously pledged by addresses, votes, and resolutions, it becomes extremely difficult for them afterwards to censure measures in which they have been so deeply engaged by acts of their own. Another great inconvenience arises from parliament taking so much of the executive government on itself; which is, the excessive length of the sessions; an evil which of late has greatly encreased.— Now that parliament is engaged in every detail, in order to screen the minister, it never can finish its business till the middle of the summer, when the independent country gentleman, tired of a long attendance and hot weather in town, is retired to his private business in the country, and that of the public left to be settled in thin houses by a few dependants of the minister. A short session, of two or three months, would be sufficient to examine the expenditure of former grants, to make new ones, to redress grievances, and pass such general laws as circumstances might require. The inconveniency and expence to a private member of parliament, in attending his duty, would then be trifling; and instead of forty commoners and three peers to form a quorum to decide the greatest matters of state, the attendance of two-thirds of each body, which would give respect to their proceedings, might and ought to be required. I am also free to own my opinion, that when the House of Lords shall be effectually prevented from having any influence in the House of Commons, as I think it must by this bill, it should at the same time recover its equal rights in every respect with the House of Commons, as a co-ordinate branch of the legislature. These sentiments are, I think, consonant to the idea so well expressed in your letter to the volunteer army of the province of Ulster, ‘to restore to the crown its original splendor, to nobility its ancient privileges, and to the nation at large, its inherent rights.’

“ I believe I have now troubled you with all that is necessary concerning my plan. My bill will shew the detail as far as concerns the House of Commons and the election of Scotch peers. The regulations for restoring to the crown its executive, and to the House of Lords its deliberative functions should be added to and form a part of this bill; but I have not as yet had time and leisure to prepare them.

“ In what I have said, I have shewn my opinion concerning the 1st, 3d, 4th, 6th, and 8th questions you have proposed to me. There remains the 2d, 5th, and 7th to be considered.

“ In respect to the second, which I presume relates to the admission of Roman Catholics to vote at elections, I can only

say, that the same principles which go to civil liberty, equally lead to liberty of conscience! I admire with you the glorious spirit of toleration which you say has united the once distracted inhabitants of Ireland into one indissoluble mass: and I am sure that nothing short of evident danger to the state can warrant its interference in religious opinions. But unacquainted, as I am, with the state of Ireland, it is impossible for me to know the present temper and disposition of the Roman Catholics there, and those only who are on the spot can judge how far exclusions of this sort are necessary, or ought to extend.

“ With regard to the fifth question, if voting by ballot is advisable? I am clearly of opinion that it is not. The idea of a ballot can have arisen but to avoid the effect of some improper influence; and I conceive it much more noble, directly to check that influence, than indirectly to evade it by concealment and deceit. I am convinced that trivial circumstances, in things like this, tend greatly to form the national character; and that it is most consistent with that of a British or Irish freeman, that all his actions should be open and avowed, and that he should not be ashamed of declaring in the face of his country whom he wishes to intrust with his interests. Upon the same idea that ballots may be a cover for independence, they must also be a cloak for bribery, and a school for lying and deceit.

“ As to the 7th question, whether it would not be equitable or expedient that boroughs now in the possession of individuals should be purchased by the nation? I think, that although no man can have a strict claim in equity to be refunded the loss of what neither buyer or seller had a right to barter, yet it will be wise to purchase the good will, or at least to soften the resistance, of the present powerful possessors of boroughs by a most ample compensation. The liberties of a nation cannot be bought too dear; but the whole cost of these boroughs would not amount to the profits of one jobbing contract.

“ I have now answered all the questions you have been pleased to propose; but I must mention another advantage which ought to recommend the measures you are pursuing to every friend to the internal peace and quiet of the kingdom, which is, that when the people have obtained a regular, legal, and speedy way of giving effect to their sentiments, there can no longer be any apprehension of their endeavouring to redress themselves by mobs and tumults; and even such regular and well-conducted meetings as yours will become needless. I mention this circumstance with the more satisfaction, as it stamps your conduct with the most unequivocal marks of disinterested patriotism. Power,
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when once acquired, is generally endeavoured to be preserved by its possessors; but you, after having taken up yours from necessity, and employed it usefully, are now endeavouring with unexampled virtue to render its continuance unnecessary. For great as your services have been in so soon forming a complete army, in the advantages you have procured for your country, in the good order you have preserved, and in the efficacy you have given to law, you will derive still greater credit, in my opinion, from your good sense in seeing that a great military force, totally unconnected with the civil government, cannot be a permanent establishment in a free country, whose first principle is never to trust absolute power in any hands whatever. Your present endeavours to restore the constitution to its purity and vigour, evidently tend to make this and every extraordinary institution unnecessary: for when the people are fairly and equally represented in parliament, when they have annual opportunities of changing their deputies, and through them off, controuling every abuse of government in a safe, easy, and legal way, there can be no longer any reason for recurring to those ever dangerous, though sometimes necessary expedients of an armed force, which nothing but a bad government can justify. Such a magnanimous end to your proceedings, when after having restored liberty, commerce, and free government to your country, you shall voluntarily retire to the noble character of private citizens, peaceably enjoying the blessings you have procured, will crown your labours with everlasting glory, and is worthy the genuine patriotic spirit which animates the Irish Volunteers.

“ Before I conclude, I beg leave to express a wish that the mutually essential connection between Great Britain and Ireland, may soon be settled on some liberal and fair footing. That which did subsist was on such narrow and absurd principles, that no friend to either kingdom can regret its loss; founded on constraint and dependance, incompatible with the condition of freemen, Ireland had an indisputable right to dissolve it whenever she chose so to do. But surely, if we do not mean a total separation, it would be right to agree upon some new terms by which we are to continue connected. I have always thought it for the interest of the two islands to be incorporated and form one and the same kingdom, with the same legislature meeting sometimes in Ireland as well as in England. But if there are difficulties to such an union, not to be got over at present, some sort of fœdral union, at least, between the two kingdoms seem necessary to ascertain the many circumstances that concern their joint interests, and an union of this sort may now be formed with much greater propriety than before, as it will be sanctified by the free consent of independent nations,

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" I do conceive that some step of this sort is absolutely necessary, because the present footing of separation, rather than union, is too unfair to be able long to subsist. England, besides the load of the whole debt contracted for the use of both kingdoms, bears all the burthens of naval defence and foreign negotiations, and by far more than its proportion of the land service in time of war. But what is worse, is, that there is no certainty now left that we shall have the same enemies and the same friends. Different interests, as they may appear, may lead one kingdom to think a war necessary, and the other to remain in peace. The same King, in his different kingdoms, may think it wise to follow the advice of his respective parliaments. I need scarcely add, that the unavoidable consequence of such a difference, is a war between the two kingdoms. Unless some settlement takes place upon these and many other important subjects, I am far from being clear, that it will be for the advantage of liberty in either kingdom, that its monarch should continue the sovereign of a neighbouring state, with which it has no connection. I am sensible that there are great difficulties attending the adjustment of such an union, and that it requires great wisdom and temper to form it, especially on the part of Ireland, which must feel that she ought to give the preponderance to Great Britain; but I am sure the business ought not be neglected, and that every true friend to both kingdoms ought to give it his most zealous assistance.

" I beg pardon for having gone into a subject not immediately belonging to that upon which you have desired my opinion, but I thought it so connected with it, and at the same time so important, that I trust you will excuse my having introduced it. I fear I have been very long, but it was impossible for me to compress so much matter into a less compass, and when you wished to have my opinion, I thought it best to give it fully, or, at least, as fully as I could in a letter. If it contains one thought that can be useful, I shall be happy. I have only to assure the committee of the zeal I feel for the cause the Volunteers have undertaken, to the support of which, I shall ever be ready to give every assistance in my power; and that it is with the highest respect and admiration for their conduct, that I have the honour to be,

" Their most obedient,

" and most humble servant,

" RICHMOND.

August 15th, 1783.

" To Lieut. Col. SHARMAN."

His

His Grace the Duke of RICHMOND, sworn.

Mr. *Erskine*. I have only the same question to put to your Grace that I put upon the last trial, imagining a spurious copy might be put in. Have you any idea that there is a difference between the letter you have heard read and that which your Grace wrote?

A. I have not.

Mr. *Erskine*. As it is my duty to make the evidence as intelligible as possible to the court, the letter of the Duke of Richmond, having been now read in favour of annual parliaments and universal suffrage, I propose to read a letter written and published by Mr. Tooke to Lord Ashburton, which shews that he differs from the Duke of Richmond.

Mr. *Attorney General*. I cannot have a doubt, my Lords, that any thing Mr. Tooke or Mr. Erskine will produce, is proper evidence; but I want to know upon what foundation this book is evidence with respect to the Duke of Richmond, then an associated member of the society for Constitutional Information, stating the plan he acted upon? Extracts have been read from the books of the society for Constitutional Information.—There is a vast quantity of evidence that goes to a certain extent of making the prisoner the author.

Mr. *Tooke*. My Lord, I rather believe the Attorney General himself will think I can easily make that admissible evidence, upon his own principle and his own practice; the looseness of that principle upon which Mr. Paine's book was admitted a day or two ago, will enable me, though the publisher should not appear, to introduce this that was introduced as a book generally known to be circulated.

Lord *President*. They don't object upon that ground.

Mr. *Tooke*. Then the other ground will be still easier for me, because the indictment charges, that divers books pamphlets, letters, declarations, and writings were published. All the libellers in Europe might be brought against me under the word 'divers.' My Lord, this is a pamphlet, or book, introduced under the word divers; and they were written to, or connected with some society to which I might belong, therefore, this is as clear a declaration to shew the indication of my mind, as the declaration of some other persons that might be connected with some other persons, with whom I might also be connected.

Mr. *Attorney General*. I should be glad to know how Mr. Erskine makes it evidence?

Mr. *Erskine*. It is the clearest thing in the world what the course of evidence is. The court will not shut out this evidence, after having heard what it has already heard. We did not confine

confine our examination of Major Cartwright as a member of the Constitutional Society, but as a man that knew Mr. Tooke in private life, and was acquainted with his principles and his opinions upon different circumstances. My Lord, if an overt act of rebellion is proved upon Mr. Tooke, I should think, it admissible. You are to argue Mr. Tooke into the guilt of meaning not a reform of parliament in the House of Commons, which, he says, was his intention, and which Major Cartwright said he knew to be his intention. Does Mr. Attorney General mean to argue against it, that he meant to go further than the Duke of Richmond meant? Cannot I rebut that by saying, he meant to go short of it. I will use your Lordship's own language, which is better than I can put, that a man that attempts to make out a proposition different from that which a man states himself to mean, must make it out by absolute evidence. It is contrary to the principle of human life so to reason. If treason is in the mind, have not I a right to say it is not?—What was the whole trial of Hardy but that? I don't mean to say that Mr. Horne Tooke must be acquitted upon my producing any particular evidence. If you produce divers papers approved of by him, interspersed with interlineations by him, or any other species of approbation, writings composed by others, may I not tie that presumption by the course of evidence I am pursuing—What is the answer? The answer is this, a man may have these intentions, and may have those opinions, at the time that book is published, and he may forsake those opinions and take up others, and conspire, by force, to carry them into execution. He may do so, and we are examining into the probability of it. My evidence is a chain of many links, though not so many as the Attorney General's, or so disjointed as his; but altogether taking up this gentleman in 1780, as a man not going so far as the noble person that wrote that book, though, at the same time, highly respecting him as the author of it, and as every man must, respecting the contents of it. He expresses his difficulty upon universal suffrage and annual parliaments—He says, I may go to Hounslow only, when another person is going to Windsor. This is a circumstantial means of discovering the mind of the gentleman at the bar, and shews he is not that false traitor that he is charged with being. His writings are said to manifest his intention, and that they were published by him with an intention to subvert the government of the country. Your Lordship is already acquainted with the contents of this book.—Suppose Mr. Debrett, the publisher, was here, and I said to him—Did Mr. Tooke come to you to ask you to publish this book? He did. Did you give him the impressions?

pressions? I did. Did you converse with him upon it? I did. For what else has Major Cartwright been examined to, except a few things? And upon what other principles were all the persons examined upon the part of Mr. Hardy? Then we are to come to this most monstrous principle, that, though Mr. Debrett might be examined to a conversation of Mr. Tooke's, in which he expressed his sentiments, as found in this book, yet it is not to be evidence when it is published to the whole world. Let us pause a little and see how it will be maintained; the object is this, you mean to drive this point on by affecting the minds of others, and enforcing on the public a dangerous dislike to the government; at least to effect your traitorous purposes by that most powerful instrument of human force, the most powerful of all. What says the law, and what says common sense, the parent of all law, that a man that has that traitorous purpose of bringing round the public mind, cannot produce a book to shew it is not his mind, and to shew that it is a mistaken charge, and that his principles are not of the same sort as charged; I will shew Mr. Horne Tooke wrote this book *bona fide*, and, in this respect, it is inconsistent with human belief, and opposite to the human experience of man; to drive on a purpose which is criminal, is to tell the whole public he is not a friend to that which others mean to bring round and support. Then, in 1782, Major Cartwright says, he was a firm, steady, and inflexible man in his opinion, and that he was not like to take up an opinion one day and lay it down the next, and take up another the third. If the Attorney General says, he changed those opinions, he has not told you when or how. Is this book not to shew he was a man not likely to change his opinions. I speak to a most honourable person upon the bench, who tried Mr. Purefoy, the murderer of Colonel Roper—Did he ask whether he was a good officer, drilled his company well, or paid his debts? No; but it was asked whether he was a man of humanity, and officers came a great distance to shew the humanity of his disposition. If firmness and steadiness is the crime imputed to Mr. Tooke (for what else is imputed to him), it is that he has either conspired to levy war generally against the King, or that he has conspired to levy it in the particular modes pointed out by this indictment, that is to say, by holding a convention with intent to subvert, by violence, the happy constitution of this country, and all these books and pamphlets, some of which might be libels, and, as I stated to the Jury, were so, have been brought against Mr. Tooke to prove the purpose charged. Have not I a right to negative that? Or does the Attorney General mean to say, that his evidence is conclusive? Suppose I mean to say it is false,

that Mr. Tooke ever saw the letters from Manchester or Sheffield, and the other places—I may negative by evidence, that he has seen the books. Suppose him implicated in the contents, may I not negative the traitorous purpose which constitutes the charge? I, in the name of the prisoner, and of the constitution of this country, call upon your Lordship never to forget that we are here, not upon a trial for a libel, but for compassing the death of the King, which is treason. No evidence is given of that, the principle is, the mind of man must be sifted to the bottom. Upon no other principle can the Attorney General stand up to address the Jury. Is it to be said, I am charging the Attorney General with meaning to shut out any thing, but to argue the case fairly. But it appears to me this is one link of a long chain, of evidence, which I propose to give, and which your Lordships, in conformity with your past conduct, told Mr. Horne Tooke himself, you should listen to with an indulgent ear.

Lord President. I said nothing of specific evidence.

Mr. Erskine. Your Lordship said, all evidence that was competent to be received, I am not arguing what effect it will have upon the minds of the people, but your Lordship has heard it conceded to me, that this is a book written by Mr. Tooke in his closet, and carried by him to a bookseller for publication. Now I will put the question—Would this have been evidence for Mr. Attorney General, suppose this a letter written by Mr. Tooke at any time? After he has shewn the proof he has of the overt act, in order to shew this man's principles were never monarchical but republican always—Could he produce any thing written by the gentleman at the bar? I presume he could. Then if that is so, have you not received in evidence a letter from Chalk Farm, when Lovatt was in the chair, whom I undertake to say Mr. Tooke never saw, until he saw him in the Tower.—Shall a book written by a man he never saw, or that he did not know to be in existence be opened against Mr. Tooke and he not have an opportunity to contradict it? What is that to shew? it shews that Mr. Tooke rejoiced at the triumph of liberty, and wished it to prevail against surrounding despots; but that does not shew we meant to take our system from the French. This I contend is a link in the chain of our evidence, and is admissible upon the footing of a declaration to the whole public.

In the last cause, which I appeal to as a precedent, for it was tried by this court, and, therefore, it is a precedent I may refer to as much as any other precedent in the books, and with more effect, because it is more analagous to the business in hand, it was decided by the same Judges, and is in the memory of the court. In that case Mr. Lynham was asked, whether, in a public room,
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the prisoner did not say so and so? What is that but a declaration to a great number of different people? And what is this but a declaration in writing, tendered to the whole of the public, which, it is supposed he meant to corrupt by a circulation of writings of a direct opposite tendency to that I produce now? I only say, I shall bow with the greatest humility to whatever judgment your Lordships give upon the subject. I have no doubt my client will be satisfied with it, as he ought to be with the justice of his country; but when I examine the principle of evidence laid down by your Lordships, and followed with so much learning, I cannot bring myself, for a moment, to think that a piece of evidence, which appears to us to be liable to no objection, your Lordship will not permit to be read.

Mr. Gibbs. My Lords, I have only a few words to add to Mr. Erskine's argument upon this question; one of the questions is, Whether Mr. Tooke has been guilty of an overt act to compass the King's death?—And one of the overt acts is, that he agreed to the calling a convention for the purpose of deposing the King. There is no proof that he agreed to call a convention for that purpose; but the gentlemen on the other side, in order to give colour to an act, the existence of which is proved, say he met in order to call a convention, and his intention was, that the convention, when called, should proceed to depose the King. They go through the history of his life; they give evidence of his declarations; and they give evidence of his acts; and not only that, but of the acts and declarations of many men in this kingdom, for the purpose of proving such a conspiracy existed; and that the gentleman at the bar took a part in that conspiracy. That is the evidence given—then does not common reason and justice require, if they mean to call persons to give the history of his general life, and to shew the tendency of his acts were criminal as they have stated in the declaration;—does not common justice, reason, and honesty require Mr. Tooke should be permitted to give in evidence acts of his life, to shew a contrary tendency, and to shew that his principles are incompatible with these they impute to him. This they offer in evidence as a public act of Mr. Tooke. It is more than a mere declaration; but suppose we were now offering evidence of what Mr. Tooke declared—What was the conduct of Mr. Attorney General in the prosecution against Hardy? Did he not give similar evidence over and over again? Are we to be affected by an act of ours to shew that we are criminal? Are we to be affected by every declaration of our own, and when other acts can be proved to have been done of a direct contrary tendency to them, shall we not be permitted to produce them? My learned friend

observed, very properly, when Major Cartwright was called, he was examined to the walks of Mr. Tooke's life—not only to what passed at the meetings of this society, but to the conversation and the principles of Mr. Tooke, so far as related to those conversations; that evidence passed, and was not objected to. It might be said, they did not do it because they did not advert to it. I am sure their learning would have shewn their objection existed, and their sagacity would have led to an application of it in the present case. The whole trial of Hardy consisted of this kind of examination, and the witnesses were constantly examined by me and my friend, as to what were their principles upon the subject of government. I am not prepared to cite cases at present, but your Lordship's memory will assure you I am not citing principles that do not exist, and that are not to be found in this case. Your Lordship will find them in numbers of our state trials. In the case of Lord Ruffel, Dr. Barnop was one of the witnesses for Lord Ruffel; the Doctor was asked, what Lord Ruffel's declarations with respect to his loyalty were? I believe it was for being concerned in the Rye-house plot. He was asked as to any declarations he ever heard come from the prisoner's mouth; and he was cross-examined by the court, as to where those declarations had been heard; in what company they had been heard, and whether in the company of friends or enemies? Is that the conduct the court would have held if they had thought it not proper? They would have said, it matters not whether declarations of loyalty were used or not; your declarations are not evidence for you; but there the court examined to the tendency of them, to the time when they were made, the circumstances under which they were made, and the company in which they were made, all which was perfectly inconsistent with the opinion now made, that declarations are not evidence at all. Then, if general declarations are evidence for a man in a case of high treason—how much more must a public act be to the same purpose? You observe, the Attorney General made the observation, and desired he might hear us before he spoke. He has assigned no reason whatever upon which he formed his objections. I have, therefore, nothing to answer to him—I am only stating those principles of law laid down in other cases, and those acquiescences in other cases, which seem to establish the principle that what we offer now is evidence.

Mr. Attorney General. I shall be governed by your Lordship upon this point. *Mr. Gibbs* says, he has heard nothing from the Attorney General.

Mr. Gibbs. The course of things is, you take the objection
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we argue it, and you reply—If you mean to give us the reply, it is very well.

Mr. *Attorney General*. Certainly.—Your Lordship will recollect in what way this book is produced, it is produced as published in 1782, by the gentleman now at the bar, and no witnesses are called to prove the publication by that gentleman; but I state it to the court upon public principle, I dispense with the production of a witness to prove the book, and I will tell you why I do so, because I perceive every thing that was mere matter of indulgence, and to save the time of the Court, is argued upon as affording a principle upon which evidence is to be admitted or not. In that state of it, what Mr. Erskine says is true, that the prisoner should be heard; and I say in this country the prisoner is to be heard; I don't like the observation of the gentleman to go so far as to say he is not heard; I will take care he shall be heard, but I desired that Mr. Erskine would be so good as to state the ground upon which he thought this evidence; he has done so, and I rise to state a few reasons why I think it is not evidence, meaning to say again, I have no anxiety about your decision upon this piece of evidence, or about the determination of the cause itself, any more than doing my duty in it, let it be determined which way it will.—If your Lordship is of opinion this is evidence, it will go down with more authority from the Court, than if taken upon my bare admission; it may be better for the public the objections should be taken, and I will not trouble your Lordship with a single word upon the effect of the evidence, I will not answer what was stated about the infinite number of links in the chain of evidence given in this prosecution, only venturing to observe, that so far from being infinite, as far as I have heard of them of late, they are but few in number.

It was stated in the case of Lord Lovat, evidence of this sort could not be received.

Mr. *Erskine*, I did not say so, but it would be of no great weight when received.

Mr. *Attorney General*. If my friend puts it so, I have no objection; I conceive if Lord Lovat could be proved to be the author of five hundred books against treason, and against levying war against the King, it is impossible for him to offer that as evidence.—Lord Lovat was found in the field of battle, warring against the King, and it would be no evidence to say, that ten years before he published a book against making war against the Sovereign; I say it is never proved till the Jury give their verdict.—In Mr. Purefoy's case it was exactly the same; no doubt when a person is charged with any other species of

of crime you may prove his general character, but would it be evidence, that because he had written a book against duelling, that he had not fought a duel?—I say again it is never proved till the Jury give their verdict.

Mr. Erskine says the prisoner at the bar is not charged with the publication of a libel; I do most fully admit it, and your Lordship must fully understand, if the indictment is not brought home to the prisoner, to the extent of the charge contained in the indictment, this Court has nothing to do with any other charge. Mr. Erskine states the indictment to contain certain papers, resolutions, orders, addresses, and writings, containing incitements, encouragements, and exhortations, to move, induce, and persuade the subjects of our Lord the King, to aid and assist in carrying into effect such traitorous subversion.—Those I state to be overt acts, to bring about a conspiracy, to subvert the government, and depose the King, whether the conspiracy is proved or not, the Jury must determine, and it must go to the Jury, whether they think the proceedings of the 14th of April, 1794, was not an overt act to maintain the indictment; but because the letters, resolutions, and papers, which could be properly given in evidence as being composed by the prisoner, to the end stated in the indictment were given in evidence, I am at a loss why it is to be stated, that because I have proved that, the prisoner is at liberty to shew he wrote a book in 1782, contradictory to the conduct he displayed in 1794. With respect to Mr. Francis, who was examined upon the last trial relative to Mr. Hardy, it had been given in evidence, and proved, that the London Corresponding Society, and the Society for Constitutional Information had, upon the 16th April, 1793, distinctly stated, in letters to certain societies, which were read upon that trial, and again upon this, that they were not to look to the executive power of the country, nor the Parliament, but to the convention of the people, which your Lordship recollects was as early as 1792. In one passage, which your Lordship has not heard of till within two days, the society recommends a petition to Parliament, not under the idea of getting relief, but as a measure to bring the public minds to the other measure, namely, that, by their own strength, they were to gain that which Parliament would not give them. It was proposed that Mr. Francis should be called—to do what?—to prove that Hardy and Margarot came in the course of that project to him, (that was in order to answer what was stated on the part of the Crown, as immediately connected with the transactions of that society.) They came to Mr. Francis, and held a conversation with him, to induce him to present the
petition

petition to parliament, but the petition went a great deal further, and he understood that Hardy would have been content that the prayer of that petition should be couched in other terms—that was a part of the conduct of the prisoner then at the bar, in the very article of his conduct as an associated member of the London Corresponding Society, explaining to Mr. Francis the object of that identical measure upon which we had imputed a criminal intent, and that was to go to the Jury.

As to Chalk Farm, my friend asks, why the proceedings there were admitted.—I will tell your Lordship—Does your Lordship recollect that, upon the 27th of March, 1794, the London Corresponding Society sent that letter about a convention, of what sort is for the Jury to judge by and bye, which contains certain resolutions, and which in terms says, there is to be a convention not of delegates from the societies, but of the people; and a resolution is added, that they are to have a meeting on the 14th of April, 1794, and they had proceedings on that day, which as the prosecutor, I am bound to call a traitorous conspiracy. They tell me I ought no longer to call it so; but the proceedings of the 14th of April, is a proceeding intermediate between the time of the proposing it and the completion of the purpose. They appointed a committee of Correspondence and Co-operation, by those resolutions, a corrected draft of which had been found in the prisoner's hand-writing.

They take another objection to the letter about the 10,000 livres; they are letters found in the custody of the gentleman at the bar, when he was a member of the Constitutional Society, which had correspondence with the Jacobins in France, which this letter refers to, at the time of the convention in France, when that country ceased to have a King. A subscription was going forward in the London Corresponding Society, and the Constitutional Society, as the witnesses have deposed, relating to that very convention, and stating the cause of France and England as one and the same cause. My learned friends will recollect the connection of that with this circumstance, that before it was offered, a letter was given in evidence, the 8th of August; I mean one from Margarot and Hardy, in which they state to the gentleman at the bar a question, desiring to know his thoughts about a safe communication with respect to France; and then there is afterwards entered upon the books of the Society for Constitutional Information, which makes use of the words, "Frenchmen, while foreign robbers,"—and concludes with a sentence, the effect of which I say nothing at present, but which the Jury are to say by and bye—relative to the very purpose of this address and subscription, a paper is found

found in the custody of the prisoner; whether it is his own or some other person's, is for the Jury to decide. The letters are sent to the National Convention of France, to oppose the tyrants who have dared or should dare to resist them, even though they were of the country of those that wrote that paper. That paper is strictly an article of evidence in the course of the transaction, and connected with every part of it. Then it is said by Mr. Gibbs, if that is the case, you may give evidence of the declaration of any man in the kingdom; then I say, though I shall conduct this cause with temper, yet I labour under a mistake quite inexplicable to my own mind, if I offered any such evidence. I offered only proof of declarations of persons connected with the cause to prove what I call without prejudice to the question, but whether truly or not, I will not say, a conspiracy, I proved the declarations of members associated in that conspiracy, where ever I may happen to find them in the kingdom, provided they have a reference to that conspiracy, which is the subject of the prosecution. My objection to this book is, it has no reference to the conspiracy and the object of the prosecution, no more than if Sir John Hawkins had robbed a man upon Hounslow Heath, I could give in evidence this book, because there was an argument in it with respect to the immorality of the act of robbery.

As to what has passed with respect to Major Cartwright, I shall give this answer, and I dare say the public will be better satisfied with your Lordship's opinion upon the subject, and it should not go down to posterity, without it being understood the Attorney General of the day made that observation; I have reason enough, God knows, to wish the duty of the office was imposed upon others, but I have no anxiety beyond doing my duty.—With respect to Major Cartwright, it is very true my learned friend did ask questions that I was intitled to object to, but I have gone the length towards the public, that if a question was put to which a short answer was given, I have been misled by an intention to save the time of the Court, and I owe an apology to the public and the Court, but if it is indulgence which arises from a great body of evidence, with a great variety of links in chains as it is stated, then I hope I shall be excused. But if I feel there is a solid objection to the sort of evidence now offered, 'tis my duty to ask your Lordship's opinion upon it; if the evidence is of a nature which, in the minds of any human being can do the prisoner at the bar any good, I go so far as to say, without affectation, that I feel so far for him, I wish your Lordship's judgment may be against me; but let it be remembered, the public is to be heard as well as the prisoner, the prisoner

prisoner is to be heard for the sake of the public and for himself; and I am an ungrateful servant of the crown, if I don't remember the protection of the crown is due to a person in the situation of the prisoner; as he has a right to it, and as far as my heart would regulate me upon this, no man ever wished more that the prisoner should have that right: but as my intention is to do justice to my country, I sit down with a full confidence your Lordships will do justice.

Lord President. If nobody else speaks on the part of the crown, I will not trouble you, Mr. Erskine, to reply. If this evidence is to be given to counteract any declaration that might be given on the part of the crown, it is not a solid ground. Nothing is so clear; all declarations, which the prisoner makes, are against himself by the law of England; it is against himself upon this ground—no man makes a declaration against himself unless it is true, and, undoubtedly, they are not evidence for him, because there a presumption is to be taken the other way. If this is to be received upon the score of general character, I doubt extremely, whether, as to the regularity of it, it could be received. General character is general character, and it is not a composition of all the religious and benevolent acts of a man's life, but the result of it, which is to be given in evidence. Where a man's character is to be opposed, and on the part of the prisoner, they come with all the particulars of his life, we have very often gone into many particulars, even upon evidence of general character; to be sure, as to evidence of the crime, it is no evidence; but if a person is tried for treason, it may shew he was a good and loyal subject; if it went to the particular case of having a design against one of the great orders of the state, you might examine to shew the general character that he was a man firmly attached to the constitution of the country, King, Lords, and Commons, in that instance, it is material to give character in evidence; but, to my recollection, evidence of that sort had been given in the other cause, and, I think, ought to be given. I am of that opinion, upon the ground stated by the Attorney General—His ground is, evidence of this nature, has no reference to the conspiracy charged in the language of the indictment; but the question is—Whether it has reference to the proof offered in support of it, and whether it is not proper to repel that proof? Now the proof is, that this person, and the others concerned with him, have, upon pretence of a parliamentary reform to the world, meditated to call a convention to usurp the power of the country, and overturn the constitution of the country, under the pretence of a reform in parliament. Now it does appear, to me, it is a proper piece of evidence, in its nature,

ture, to repel the charge of a convention being held only under the pretence of a reform in parliament, and to shew that the opinion and the sentiments of the prisoner were directly the contrary, and to go to support the reality of the grounds he takes, in respect to its being a pretence, and by that means meeting that part of the charge. It was upon that ground I took it all the examinations were had in the course of Hardy's trial; to shew from their observations of his conduct, he was a sincere friend to a reform in parliament, upon the ground of the Duke of Richmond's plan, and upon that ground it goes to repel the evidence, and ought to be admitted. I should be extremely fearful to lay down this ground that should apply to some distinct fact, charged, as for instance, in the case of Lord Lovatt, where the distinct fact was proved of appearing in open arms; then all these professions would not meet that fact, and would only resolve itself into general evidence of character. I think we have admitted the evidence before in effect, and I think upon a solid ground. It is a ground that satisfied me, and I think we ought to admit it in the present case. I have so often explained the ground upon which the acts and transactions of other persons had been admissible, namely, to prove the general conspiracy, leaving the other part of the case as a second question—How far the prisoner is concerned in that general conspiracy?—I did hope, and do now hope it will not be taken hereafter to be meant as a thing that should affect the admission of all evidence, as if all mankind, without limitation, and without any ground, should be admitted to bring in any evidence to load a particular case.

Mr. Attorney General. As Mr. Debrett has not been called, I will save trouble, if you will tell me when this letter was published.

Mr. Erskine. The 10th of May, 1782.

Lord President. I did not touch upon the circumstance of the date, I should have mentioned the date affords a strong observation upon the evidence, but as much as sentiments and opinions of men, very publicly declared, are brought down and connected with the rest of the evidence, it seems proper to be admitted.

Mr. Attorney General. It is hardly consistent with the respect I owe to your Lordship to say what my opinion upon the subject is, but I am perfectly satisfied with your Lordship's opinion.

(The Clerk Reads.)

" *A Letter to Lord Ashburton, from Mr. Horne, occasioned by the Debate in the House of Commons, on Tuesday, the 7th of May, 1782, on Mr. Pitt's Motion for a Reform in Parliament.*

" MY LORD,

" The importance of the subject on which I address your Lordship, sufficiently dispenses with preface, introduction, apology, compliment or ornament. And the criticalness of the moment excuses hasty publication. It would be ridiculous to cast a thought on the manner of my expression, if the matter is useful.

" By the vote of the House of Commons, on Tuesday last, parliament, it seems, do not yet think it necessary to take into consideration the state of representation in this country. However, my Lord, notwithstanding that vote, I am still sanguine enough to believe that we are at the eve of a peaceful revolution, more important than any which has happened since the settlement of our Saxon ancestors in this country; and which will convey down to endless posterity all the blessings of which political society is capable.

" My Lord, my expectations are greatly raised, instead of being depressed, by the objections which were urged against Mr. Pitt's motion.

" One gentleman says, 'He cannot see any good purpose the motion would answer; for it would not assist government with a ship, a man, or a guinea, towards carrying on the war with vigour, or towards establishing that much wished-for object, peace.'

" My Lord, I hope the measure will be made to produce to government both ships and men and guineas. For they would be very poor politicians, indeed, who could not, in one measure, comprehend many purposes; and still poorer, who should miss the present opportunity of obtaining, by this one measure of reform, every desirable object of the state.

" Another gentleman apprehends, that 'nothing less than giving every man in the kingdom a vote, would give universal satisfaction.'

" My Lord, I trust that there are very few persons in this kingdom who desire so improper and impracticable a measure. But if there were many, the wisdom of parliament would correct their plan, and the corrected would be well pleased at the correction.

" Other gentlemen assert, that 'the constitution, as it now stands, has stood for ages, without any material alteration.'

" My Lord, it will not be difficult to prove the contrary, by

an easy inquiry; and if they will begin with the last unexampled alteration recently made, by the late administration, at Saltash, the objectors will hardly have countenance to proceed any further.

“ Another gentleman, ‘ thinks the question premature, and that this is not the time.’

“ Another, that ‘ the people do not desire it.’

“ And another, that the people cannot, indeed, desire it at any time; because ‘ they have no voice but in the House of Commons.’

“ My Lord, it would be safer for this latter doctrine, if another similar doctrine could be coupled with it; and if it could be proved that the people have no hands neither but in the House of Commons. This virtual voice of the people of England resembles too nearly the virtual representation of the people of America in the same place, to be attended with any happy consequences.

“ But, my Lord, I turn with pleasure from these little subtleties, towards what I suppose to be passing in your Lordship’s mind. The end which I believe your Lordship to have, at all times in your view, is, happiness to all beings capable of happiness; and especially human happiness, as universally extended as possible. But though an individual’s wishes may be, and ought to be, unbounded; however exalted, his actual endeavours must usually be limited; and, therefore, national happiness, with the permanent security of that happiness, is the ultimate object of a patriot.

“ To this end all his other objects must be considered only as means. Even freedom itself is valuable, only as a means indispensably necessary to that end.

“ My Lord, I find myself compelled to repeat these well-known sentiments; because most of the errors of mankind, in all their pursuits, arise from stopping short in their progress, and mistaking some means for the end. We every day behold it in the practice of the covetous, the ambitious, &c. And at this moment, I conceive it to be necessary to warn the well-meaning patriot from the same mistake.

“ My Lord, I shall not waste a word to shew the necessity of a reform in the representation of this country. I shall only consider the mode of reform; and endeavour to shew, that it is not difficult to embrace every interest in the state, and to satisfy well-meaning men of every description. To this end I am compelled first to remove the prejudices, and, indeed just objections, which some persons entertain to all the modes of reform, which have hitherto been recommended.

“ My

“ My virtuous and inestimable friend, Major Cartwright, is a zealous and an able advocate for equal and universal representation ; that is, for an equal and universal share of every man in the government. My Lord, I conceive his argument to be this : Every man has an equal right to freedom and security. No man can be free who has not a voice in the framing of those laws, by which he is to be governed, he who is not represented has not this voice ; therefore, every man has an equal right to representation, or to share in the government. His final conclusion is, that every man has a right to an equal share in representation.

“ Now, my Lord, I conceive the error to lie chiefly in the conclusion. For there is very great difference between having an equal right to a share, and a right to an equal share. An estate may be devised by will amongst many persons in different proportions ; to one five pounds, to another five hundred, &c. each person will have an equal right to his share ; but not a right to an equal share.

“ This principle is farther attempted to be enforced by an assertion, that, ‘ The all of one man is as dear to him, as the all of another man is to that other.’ But, my Lord, this maxim will not hold by any means ; for a small all is not, for very good reasons, so dear as a great all. A small all may be lost, and easily regained ; it may very often, and with great wisdom, be risked for the chance of a greater ; it may be so small, as to be little or not at all worth defending or caring for. *Ibit eo qui zoram perdidit.* But a large all can never be recovered ; it has been amassing and accumulating, perhaps, from father to son for many generations ; or it has been the product of a long life of industry and talents ; or the consequence of some circumstance which will never return. But I am sure I need not dwell upon this. Without placing the extremes of fortune in array against each other, every man, whose all has varied at different periods of his life, can speak for himself and say, whether the dearness in which he held these different alls was equal. The lowest order of men consume their all daily, as fast as they acquire it.

“ My Lord, justice and policy require that benefit and burthen, that the share of power, and the share of contribution to that power, should be as nearly proportioned as possible. If aristocracy will have all power, they are tyrants, and unjust to the people ; because aristocracy alone does not bear the whole burthen. If the smallest individual of the people contends to be equal in power to the greatest individual, he too is, in his turn, unjust in his demands ; for his burthen and contribution are not equal.

“ Hitherto

"Hitherto, my Lord, I have only argued against the equality;—I shall now venture to speak against the universality of representation, or of a share in the government; for the terms amount to the same.

Freedom and security ought surely to be equal and universal. But, my Lord, I am not at all backward to contend, that some of the members of a society may be free and secure, without having a share in the government. The happiness and freedom, and security of the whole, may even be advanced by the exclusion of some, not from freedom and security, but from a share in the government.

"My Lord, extreme misery, extreme dependance, extreme ignorance, extreme selfishness (I mean that mistaken selfishness, which excludes all public sense), all these are just and proper causes of exclusion from a share in the government, as well as extreme criminality, which is admitted to exclude; for thither they all tend, and there they frequently finish.

"My Lord, I know I shall receive no answer to this, but—the difficulty of drawing the line of exclusion on these accounts; and the possibility or danger of abuse, by a pretence of these extremities. The bare possibility of abuse, I hold to be no argument; the danger and difficulty I will shew to be easily removeable.

SKETCH OF A PLAN.

"England* and Wales shall be divided† into 513 districts. Each district‡ shall chuse one representative.

"Every

* The present number of members for England and Wales in the House of Commons is 513. The Union with Scotland makes it improper to alter the proportion. It has not appeared that Scotland is at all dissatisfied with the state of its representation: at all events it does not belong to this part of the country, but to that, to settle their own representation to their own satisfaction.

† The old division of the country need not to be departed from, but will exceedingly facilitate the division into districts, for the purpose of representation.

‡ The public ought never to receive a benefit to the injury of an individual. Exclusive claims of representation have become a species of property through the connivance of the nation. Very ample compensation, therefore, must be made, and easily may be made, to the possessors of this scandalous property.

Who are comprehended here under the description of native?

What provision shall be made relative to the rates?

These questions, with a multitude of other questions and objections which may be proposed and offered to every part of this plan, are foreseen, and may easily be determined and obviated.

The number of inhabitants of England and Wales are calculated at nine millions. One fourth of that number, or 2,250,000 are estimated to be males of the age of twenty-one years.

IF

" Every male, native of Great Britain or Ireland, at the age of twenty-one years, and who at the time of election shall have been rated for the space of the preceding year, to the land-tax or parish rates in England or Wales, at 2l. per annum, shall be intitled to vote for a representative in Parliament of that district in which he is rated.

" No election for a representative shall be completed by a smaller number of votes than 4000—unless as hereafter provided.

" Every elector, at the time of giving his suffrage, shall pay into the hands of the presiding officer 2l. 2s.

" The votes for a representative of each district shall be taken at a certain place, in each parish of the respective district; so that each vote may be taken in that parish where the voter is rated.

" Election for representatives in Parliament shall be annual; and at a certain time of the year.

" If at any election the number of persons voting in the district shall fall short of 4000, then all persons in the said district, who are rated therein at 20l. per annum, or upwards (and who have already voted) shall be intitled to give a second vote, paying again as before 2l. 2s.

" And if, after this second poll, the number of votes shall still fall short of 4000, then all persons rated in the said district at 50l. per annum, and upwards (and who have already voted in the first and second poll), shall be intitled to give a third vote, paying again as before 2l. 2s.*

" And

If the number of members (513) be multiplied by (4000), the number of votes required for each, it will give 2,052,000,

Although a tenth part of these should forbear to vote, yet the future part of the plan will furnish a great overplus of the number of votes for each district.

The manner of payment may be easily settled, and so as to make all improper conduct, or mistake in the payer or receiver, or in the returning officer, impossible, as well as to prevent any possible doubt or disputes concerning the person elected.

The election levy can never amount to less than four millions one hundred and four thousand pounds annually.

It is here understood, that every person may, if he pleases, vote in every parish in which he is rated; and in every district.

The annual revenue to the state will more effectually secure for ever the annual election of a parliament, than any laws for that purpose which ever were, or can be invented.

" * Perhaps it may be found adviseable, after the second poll, to hold the election no longer in parishes, but in the centre of the district; the persons who are (if necessary) to vote after the two first polls, might better afford to go from home: all of the higher orders waiting the issue of the election on the spot, might proceed to the fourth, fifth, or eighth poll, as necessary or convenient.

" The revenue, at its lowest amount, must be certain.

“And if, after this third poll, the number of votes shall still fall short of 4000, then all persons rated in the said district at 100l. per annum and upwards, (and who have already voted in the first, second, and third poll) shall be intitled to give a fourth vote, paying again, as before 2l. 2s.

“And if, after this fourth poll, &c. then all persons, rated, &c. at 200l. &c. (and who have, &c.) shall be intitled to give a fifth vote, &c.

“And in like manner, if need be, ascending for every additional 100l. rated, an additional vote, paying an additional 2l. 2s.

“Every representative shall receive out of the election levy paid by the electors, the sum of 400l. to be paid to him by the presiding officer of the respective district.

“If, at the conclusion of the poll, the number of votes given shall still fall short of 4000, then the majority of votes given shall determine the election: and the deficiency of the sum of eight thousand four hundred pounds, shall be made good by a proportionate assessment (by the pound, according to the rates) on such non voters who are rated at 20l. and upwards, in the said district.

“The presiding officer of each district shall, together with his return of the writ, deliver into the Exchequer, the sum received from the electors (together with the names of those who have polled) except the sum of 400l. which he shall at the same time pay to the representative.

“Each representative shall, before he is permitted to take his seat in Parliament, produce a voucher from the Exchequer for at least 8000l. and for as much more (exclusive of 400l.) as shall have been paid by the voters at his election.

“My Lord, if some plan on a principle something like the foregoing, should be taken into consideration, the justice and wisdom of Parliament would, I doubt not, in the proper places insert the proper figures. But, in my judgment, the qualification which barely entitles a man to vote, should be very low, as I have placed it; but the sum to be paid in with the vote should be higher than I have placed it; and the assessment for the deficiency ought not to descend lower than on those rated at 20l. This revenue would be almost if not altogether voluntary. It would be certain as to its lowest amount of 4,104,000l. It would be paid in net, and punctually to government. It would support a war if necessary; but it would more probably produce an instant peace: for it is a resource which no country but our own can enjoy; and which would instantly cast our enemies into despair. It would enable the present ministry not only to forbear additional taxes, but immediately to relieve many

of the heavy burthens of the people. And it would inspire the people with an ardour to bear any necessary burthen cheerfully.

“My Lord, if the virtue of the times, or if the understanding of the times, I hope (I shall not offend any one by laying the fault there) would permit the plan, which I have thus sketched partially and imperfectly on the spur of the present occasion, to be carried to the extent of which it is capable, and that the election levy were by that means to become the only national tax or imposition in the country, the people would instantly be relieved from full three-fourths of their present burdens, and the poorer sort from every burden. The constitution of the government would become eternal; the national difficulties would vanish; the landed and commercial interest would flourish; most of the penal laws would be done away; the statutes would at one stroke be reduced to a single volume; and that monstrous tax and burden upon the people of law-suits and proceffes, (equal to and more vexatious than a hundred other taxes) would be almost abolished. This country would become the refuge, the warehouse, and the metropolis of the world.

“But your Lordship will hardly think me serious, if I proceed in this strain. I may, however surely, without being too romantic, suppose that some part of the administration may be clear sighted enough to see that the people must be satisfied in their just expectations, and most surely will be so. Ministers will surely grant with a good grace what cannot be much longer withheld. They will at last (if not infatuated) catch the present fortunate opportunity (in the midst of our distresses) to combine an important measure of revenue, with the cession of their rights to the people. They will not wait till the people of Ireland have seized by force what we urge with humble intreaty. They will not wait to be received with scorn and hootings for their offer to us of that, which we should now receive with gratitude.

“I will venture to assert that they have no time to lose.

“His Majesty’s conduct has rescued his own personal character from censure, (for in spite of forms and decorum Kings have a personal character) and I doubt not he will for ever henceforward remain very dear to his subjects. He stands fully justified from all that has passed; for he has listened to the voice of his people, where the constitution intended that their voice should be heard, and to which place the royal ear is by the same constitution directed. Members are sent to Parliament to keep up the communication between the King and his subjects. There it is, in a real and fair Parliament, that the people wish their

voice to be truly heard; and that they may have removed from them the occasion of those honest, because necessary, though irregular, meetings, petitions, and interference to which they have for some years past been involuntarily driven. But the voice of the people in the present reign has not been heard till lately (and then heard but once) within the walls of the House of Commons, nor will it be ever heard there again; fresh errors and fresh misleadings will again take place; the voice of contractors, of pensioners, and jobbers, together with the proprietors of a few decayed burgage tenures, will again be called the only voice of the people, unless the honesty, or the good sense of administration afford the remedy by reforming substantially the vices of representation.

"We have been accustomed to be told, that there was something behind the throne. My Lord, there can be nothing behind the throne more malevolent to the rights of the people, than what we now see before it. The people are no longer to be cheated, they look to administration for the late defeat of their wishes.

"What! can they who have carried all for themselves, carry nothing for the people, who, if Ministers themselves are to be credited, have pushed them into office? The people know that if all the present administration had chosen to do them justice, if they had been half as unanimous for national rights as they have been for national honours and emoluments, the question would have been highly carried last Tuesday. Good God! Is it always to be thus? one pay-master denies, the other despises the voice of the people.

"What, says he, the people! If your hands are dirty, will you go to the puddle to clean them? I am heartily sorry, my Lord, that there should be any members of the present administration who require to be informed, that the same thinness of the web which makes the water-bubble rise; when risen makes it burst.

"If they are timely wise, they will yet give to the people their sober, moderate, fair and honest rights.

"The prerogative of the crown, which is glorious to the monarch, and beneficial to his subjects, they will place (as it ought to be placed) high, brilliant, and independent.—A great weight at bottom can bear a great weight at top.

"Let the aristocracy, unenvied, enjoy their full and honourable proportion of influence to which they are justly intitled in the state; but let them cease, as a faction, to shackle the hands of their Sovereign, whilst they debase and plunder his subjects.

"I am happy, my Lord, that, without forfeiting your friendship, I can venture to address these truths to you; and that I
am

am able still to retain all those sentiments of veneration and affection for Lord Ashburton, which the public at large, and every individual who knows him, have, through the course of his life, entertained for Mr. Dunning.

"I have the honour to be,

"My Lord,

"Your Lordship's most obedient servant,

"JOHN HORNE.*

"Friday,

"May 10, 1782.

"* Mr. Horne had not in the year 1782 taken the additional name of Tooke."

Major CARTWRIGHT examined by Mr. TOOKE.

Q. Look at that, and see whether that is your hand-writing?
(*Shewing him a paper.*)

Lord President. What is this you are shewing now to Major Cartwright?

Mr. Tooke. My Lord, this is an accusation on this gentleman, who is a member of the Constitutional Society, of which I am a member, and of the Society of the Friends of the People, entered into and signed with his name, of the nature and the same sort of act as the charge brought against me, to shew the object of that which brought them together; and this gentleman is a member of that society to which I belong, this is in order to shew what his mind was in that society to which I belong.

Lord President. As far as it tends to shew your mind it is material; but as far as it tends to shew Major Cartwright's, it is perfectly immaterial.

Mr. Tooke. I thought the minds of the people with whom I connected was proof against me, supposing my mind to be the same as theirs.

Lord President. That is with respect to what is charged against you; this accusation makes no part of the charge against you—does it?

Mr. Tooke. No; but it must appear by what means we are entangled, and how it comes that evidence which would not be admissible in any other case, is compelled to be admitted here; where a charge is made against a man ignorant of a court of justice, I should have thought myself the last man in the world to produce any posterior or previous declarations of that which is imputed to be criminal; but in this case the prosecutors have driven us to that sort of evidence, that any man, however used to courts of justice, would have blushed to produce, namely, the overt acts laid, which have compelled the prosecutor to produce evidence never before produced, and which has compelled this Court to sit from day to day, and introduce that

train of evils in which I am an unfortunate sufferer. Thus we stand in every sort of charge, except this charge of compassing the death of the King; the inclinations of men are taken to be valid until they are proved not to be so. How is the case here; you will find throughout the whole of this case here is an attempt not to punish the bad actions of man, but a man's supposed inclinations; here lays the mischief, all the evidence seems to endeavour to prove upon men certain inclinations, which are either republican and anti-monarchical or not; a man may be a republican, and yet do no act offensive. The law punishes an offence if the law supposes an inclination evil; it is to be restrained by that punishment which the law sanctions, but here happens a charge, namely, the intention of compassing the death of the King; the overt act is the intention; here is an intention charged as a crime, and your Lordship knows the necessity of an overt act to be laid, because the intention or inclination must be shewn; suppose we had an overt act charged of an intention to go to church, if it had been stated in the indictment that an intention was had of going to church for the purpose of compassing the death of the King, it would be just as fatal to me as an overt act charged not of a meeting had, but a desire that certain persons should meet together, and that at that meeting they should propose something improper to be done, would that be proof of compassing the death of the King? All this difficulty and mistake springs from an innocent overt act, which must be made guilty by every thing upon earth that can be produced; I am sure all the conduct I have received from your Lordship, and the prosecutor, has been such as has changed the temper of mind with which I came into Court; and I never shall be able to express my thanks sufficiently. My Lord, I think I am entitled to produce this original act of association, in 1780, signed by Mr. Pitt, Mr. Fox, Mr. Sheridan, and other persons of distinction, and in high situations—they go to the same overt act, with expressions stronger than those used by any society.—I have heard of omissions which have been charged as crimes—if the word Parliament is omitted, the omission is a crime—if inserted it is a pretext, so that whether the relief was to come from Parliament, or if Parliament is not mentioned, in the same case the Attorney General has loaded me with it over and over again. If I am guilty, every body with me must be; the minister himself, for I have his letter, which every mortal respected and talked of in this country, and I can prove them to be equal traitors with myself.

Lord President. If you could prove that, it would not touch this charge; I could have wished you had forborne a great deal

deal of what you have now said, which goes to the substance of your defence; what you have had to do now was to open the nature of this paper, that we might see whether it comes within the principle laid down.

Mr. Horne Tooke. That paper is too criminal for my name to be in it.

Lord President. Then if they have done a thing that neither touches your guilt or innocence, if rightly or wrongly in it, or treasonable evidence, it does not go a jot to the present enquiry.

Mr. Tooke. I cannot help believing the Jury would not pick out a single traitor from the whole company, to make an example of him only.

Major Cartwright. Happening to be called up again, I wish to add a word or two by way of explanation to my answer to a question put by the Attorney General; I beg you will be so kind to read it, when you said what persons I would take to my aid.

Mr. Attorney General. I stated this, as one of the Friends of the People, you had rejected all correspondence with the Constitutional Society, and also with the Corresponding Society, who had had an intimation their correspondence was rejected by the Friends of the People; my question was, if you had been going with the Friends of the People to Windsor, would you have got out of the coach at Hounslow, or whether you would get into a stage coach with them—whatever their principles were?

A. I said I would take people of any description to obtain the end I thought right; I mean to say, in any legal, regular, constitutional, and proper means, not any other—I mean to say this in petitioning for a reform in Parliament; I have been in company with men of whom I have had a very bad opinion indeed; there are men whom I would not act with, or give encouragement to, to obtain that object.

Lord President. That may be a very sincere observation, but not a very judicious one; if you connect with bad men you are not very sure you may not be led very far beyond your intentions.

Major Cartwright. Then I am misunderstood in signing petitions.

Lord President. Petitions go no further, men with whom I have acted upon some occasions, and whose faces I have never seen before, perhaps I could not associate with upon all occasions.

Mr. Horne Tooke. I beg your Lordship's direction relative to the admission of this evidence, because it will determine me
whether

whether I may dismiss a number of people here attending from the Westminster Association,

Lord President. I take it not to be evidence.

Mr. Erskine. I stated the purpose without observation; it prevents objections when distinctly stated, it is to shew any acts of Mr. Tooke that mark clearly and distinctly his political sentiments, and then his condescending to bring them down from an antecedent to a lower period; I mean to call Mr. Fox to prove Mr. Tooke attended at general meetings and associations, at the Thatched House Tavern, in St. James's Street, and was strenuous for Mr. Pitt's plan of reform.

The Right Honourable CHARLES JAMES FOX sworn.

Examined by Mr. ERSKINE.

Q. Sir, do you remember seeing Mr. Tooke at the Thatched House Tavern, St. James's Street?

A. Yes; I think I do.

Q. When was it?

A. I think somewhere about the year 1785; I think it was very soon after one of Mr. Pitt's motions for a parliamentary reform.

Q. Upon what occasion was you at the Thatched House Tavern, when you saw Mr. Tooke?

A. I speak to the best of my recollection, there was a meeting called in general and loose terms of all the friends to the cause, and I think to the best of my recollection, it was called by Mr. Wyvill, at the Thatched House Tavern, soon after Mr. Pitt's motion in the year 1785.

Q. Were any gentlemen appointed by any particular districts to attend that meeting?

A. Certainly not.

Q. Do you recollect upon Mr. Tooke being there any thing passing upon the subject, which brought that meeting together?

A. To the best of my recollection, the object of those who called that meeting was, to give a direct approbation to the specific and direct plan of Reform which had been proposed by Mr. Pitt.

Q. Upon that occasion did Mr. Tooke assent or dissent to it?

A. To the best of my recollection, he meant to support the motion, and to give approbation to the specific method or plan of reform.

Q. Do you remember any motion made for returning thanks to Mr. Pitt for his motion?

A. I recollect

A. I recollect the substance ; it was for his specific mode and plan of reform ; whether that was on a motion or vote of thanks to Mr. Pitt, I don't recollect.

Q. Do you recollect whether Mr. Tooke attended there as a friend, the same as the other people ?

A. I have not the least doubt. I think Mr. Tooke supported the motion, which appeared to me for the purpose of conveying an approbation of the specific plan proposed by Mr. Pitt, which myself and several other persons there did not think fit to concur with.

Cross-examination by Mr. ATTORNEY GENERAL.

Q. I think you said Mr. Tooke voted thanks for the specific plan of reform to Mr. Pitt ?

A. Certainly it might be in the form of thanks, but not that I remember.

Q. It is necessary, in a court of justice, to prove what was the specific plan of Mr. Pitt—Do you recollect what the motion in the House of Commons was ; I wish you to state it ?

A. I do not recollect the motion ; but the general tendency, as well as I recollect it, was a general proposition, that if any boroughs, I forget whether they were particularly described or not, proposed to sell their right to send members to parliament, that right should be purchased by the public, in lieu of members to be chosen for these boroughs, and the right of election, as well as I recollect, my memory is exceedingly imperfect, was either to be in freeholders of counties at large, or in freeholders of districts of counties.

Lord President. That right should be purchased by the public, in lieu of members to be chosen for these boroughs, and the right of election, as well as you recollect, was either to be in freeholders of counties at large, or in freeholders of districts of counties ?

Mr. Fox. Certainly.

Mr. FRANCIS, sworn.—Examined by Mr. ERSKINE.

Q. You are, I believe, Sir, a member of the society called the Friends of the People ?

A. I am, Sir.

Q. I believe you took the trouble to draw up a plan of reform, to be transmitted to that society ?

A. I did, Sir.

Q. Have you that plan ?

A. Not in court.

Q. After you had compared the plan of a reform in the House

House of Commons, and submitted it to the consideration of this society, do you remember seeing Mr. Tooke?

A. Yes.

Q. How long ago?

A. It was in the course of last summer.

Q. In the summer of 1793, you mean?

A. In the summer of 1793.

Q. Upon what occasion was it that you saw Mr. Tooke?

A. Though I have not the honour of intimacy with Mr. Tooke, I have known him long and slightly. I never had the honour of intimacy with him, but upon the occasion of my having drawn up a plan, to which the former question alludes, I met Mr. Tooke, by accident, in my road to town, as he lives near me, knowing him to be a strenuous advocate for a reform of the House of Commons, and knowing him to be one of the most learned men in the kingdom, particularly to points that relates to the history of the constitution of this country, I thought I could not do a better thing, for the object I had in view, or for my own instruction, than to ask the favour of him, with respect to this plan, if there were any references, or authorities, or customs, to which that plan alluded, mistated, as a man might not be thoroughly informed upon these subjects, and if he would examine it and inform me. He was so obliging to say, he would examine it. I did not ask any thing but merely for him to examine the references, and to inform me if I mistated any thing. He said he would, and he did so; he made some observations upon it, in consequence of which I called three or four times at Wimbledon—I availed myself of the observations, and made some corrections in it accordingly, I forget what.

Q. Did you observe in the conversation, with respect to Mr. Tooke and yourself, in consequence of his having looked over this plan, and made observations, how far his sentiments concurred with yours, and how far he approved or opposed it?

A. In general, upon the whole, he approved of it much.

Q. Do you remember, Mr. Francis, Mr. Tooke did say, though he approved of your plan, in the manner you have described, that short of that would be a satisfaction to him; though he still approved of it?

A. The most I remember of the conversations I had with him was, it could never be brought forward to any perfection; they did not make all the impression the merit of his observations might deserve.

Lord President. Have you any recollection of his making any observation, with respect to being willing to take less?

A. I have not.

Mr.

Mr. *Erskine*. Did your plan extend to any thing but a reform in the representation of the people in the House of Commons?

A. To nothing else.

Q. Was there any conversation confidently with this gentleman so late as 1793? Or did any think pass to satisfy you that Mr. Tooke disagreed with you upon the great principles of the constitution?

A. I think not.

Mr. *Attorney General*. It was to give you information upon that subject, but not as to the ground of plan?

A. No.

Mr. *Erskine*. Do you remember any thing in conversation between you about the Scotch Convention?

A. Yes; I think there was.

Q. What did he tell you?

A. I think he told me he had been solicited, or applied to, to be a delegate from some of the societies in London, to that meeting, and he had positively refused it. I also think, in consequence of his refusal, he said, he stood in great disrepute and suspicion with some of the public societies.

Cross-Examined by Mr. ATTORNEY GENERAL.

Q. You say Mr. Tooke told you he had been solicited, or applied to, to be a delegate from some of the societies in London, to that meeting, and he had positively refused?

A. I think so.

Q. Can you take upon you to be certain of that?

A. I think I am certain—I can say positively so.

Q. Mr. Margarot and Mr. Hardy called upon you to present a petition to the House of Commons in 1793?

A. Yes.

Q. Did you know, at that time, Mr. Margarot and Mr. Hardy were associated members of the Constitutional Society?

A. If it is meant the society which sent the petition, I am not quite sure of it.

Q. The Corresponding Society?

A. Then I did not know it.

Q. You have no memory of their telling you they were of the Constitutional Society?

A. I concluded they came from that which Mr. Hardy was secretary to.

Q. Do you remember, in your discourse in 1793, he had been concerned in the London Corresponding Society, and in regulating it?

A. I do not.

Q. You, Mr. Francis, are one of the Friends of the People?

A. I am, Sir.

Q. Were you a member of the Friends of the People when Lord John Russell's letter was sent to the Constitutional Society, to inform them the Friends of the People would have no communication with them?

A. I was.

Q. Have you recollection enough of the transaction to know whether that resolution was carried by a casting vote, or a large majority?

A. If I am not mistaken, I think it was carried by a much larger number; I believe there never was but one motion that was carried by a casting vote that I remember.

Q. Did you after that had passed between your two societies, know that several members of the Constitutional Society still remained in the society of the Friends of the People?

A. I understood there were some particular members, certainly.

Q. Had you any reason to know of the existence of a letter from Sheffield, to the Society for Constitutional Information, relative to the correspondence that had taken place between them and the Friends of the People?

A. I cannot see it in that point of view.

Mr. Erskine. You are asked whether Mr. Tooke had any concern in forming the propositions for the London Corresponding Society?

A. I know nothing of them.

Q. You know there was such a society?

A. I do.

Q. You have seen upon your books a letter from that society, asking you to send a delegate to that convention?

A. I don't recollect it; if it had passed before me, I must have recollected it.

Q. It is a letter signed by Breton, stating the general object, and desiring to co-operate with them?

A. I do not recollect it.

Q. When this was declared by the Friends of the People, did that society know there had been a convention at Edinburgh?

A. I do not remember.

Mr. Tooke. When he was asked whether he discoursed with me, with respect to the plan he proposed for the reform of parliament, I think he answered he did not, but said it was the first time he saw me—Did Mr. Francis mean to say, we did not discourse together?

A. I

A. I said, in applying to Mr. Tooke, it was not with a view of discussing the plan, but with a view to get his information with respect to history.

Lord President. But Mr. Tooke asks you, whether you might not discourse with him about the plan?

A. Very likely I might.

Mr. Tooke. Does his recollection go to our meeting once, twice, thrice, or four times? Or does his recollection lead him to say, in the course of 1793, he visited me once or twice, or oftener?

A. I cannot speak as to the number of times; it was as often as was convenient, in that part of the country, it was a pleasure to me; it might be three or four times.

Q. Might it be five or six times?

A. It might.

His Grace the Duke of RICHMOND, sworn.—Examined by
Mr. TOOKE.

Q. I beg your Grace to recollect whether I ever waited upon you with Dr. Brocklesby, at the Ordnance-office, in Palace Yard, Westminster?

A. My own recollection does not serve me upon this occasion; but Dr. Brocklesby having told me he had done so, I make no doubt it was so.

Q. Does your Grace recollect a young man, in the Long Room of the Tower, of the name of Edridge, when first your Grace was made Master General of the Ordnance?

A. It has escaped my recollection.

Q. Does your Grace recollect that the course of education, at Woolwich, was transferred to the Drawing Room in the Tower?

A. It was.

Q. Does your Grace recollect some of them thought themselves hurt at the upper end of the drawing-room and felt themselves hurt; and whether there was any application to your Grace?

A. Perhaps there might—I don't recollect.

Q. Does your Grace recollect giving me a letter to Lord Mulgrave, who was Paymaster, recommending to him this young Mr. Edridge?

A. Of letters of so long a date I have some recollection, but not a perfect recollection.

Q. These small matters may be out of your mind?

A. I have some recollection.

Q. Perhaps your Grace may remember I requested your Grace's assistance, that he might be remedied from that misfortune in the drawing-room in the Tower, that he might apply

apply to Lord Mulgrave, to obtain a situation different in the drawing-room?

A. I don't recollect it.

Q. That is the thing Dr. Brocklesby came with?

A. Yes, I do remember Dr. Brocklesby came with it.

Mr. Tooke. I shall not pursue this, if the court tells me it is improper.

Lord President. Pursue your own method, if you don't go too far.

Mr. Tooke. I hope your Lordship perceives I attempt not to do it.

Q. Perhaps your Grace may recollect, after the business of this young man was concluded, that you had kindly given me a letter to the Paymaster for him? And do you recollect asking me whether I approved of Mr. Pitt's plan for paying those gentlemen who were the proprietors of boroughs, who, the plan supposed, were not willing to yield any thing essential; and whether you remember your Grace's asking me whether I approved of that part of the plan?

A. I am sorry, but I don't recollect it.

Q. Perhaps a particular circumstance will bring it to your recollection—Can your Grace recollect that you disliked the expence it would cost to the nation? Can your Grace recollect a proposal I made, that instead of paying the proprietor of a borough, or instead of having a hereditary right to sit in the House of Commons, an exchange might be made, and a peerage given, by which he might have a hereditary seat in the House of Lords? My reason for asking this question, is to shew that I was desirous to point out the most peaceable way which occurred to me of effecting this reform of parliament.

A. I cannot say I recollect it; it is very possible such a thing might have been said to me.

Q. Has your Grace no recollection of what advantage was stated might arise, if it was done with the consent of the borough?

A. Not having an idea of being called upon again, I cannot recollect it.

Lord President. I understand his Grace to say, he has no distinct recollection of being asked the question by you.

Mr. Tooke. Does your Grace recollect having met me in a particular public place, not easy to be forgot, namely, a convention of the city of Westminster, London, Borough of Southwark, and the counties of Middlesex and Surrey; not by delegation, but one thousand or twelve hundred people together; a convention under the name of the Quintuple Alliance?

A. I remember having seen Mr. Horne Tooke upon such an occasion

occasion at the London Tavern, but cannot say whether it was called the Quintuple Alliance.

Q. You remember seeing me at a convention of the city of Westminster, London, Borough of Southwark, and county of Middlesex, and Surrey, which met together at the London Tavern, where I suppose, your Grace may recollect having seen me frequently?

A. I remember having seen Mr. Horne frequently at the Thatched House, or London Tavern—I have met him upon those occasions.

Q. I beg to ask your Grace, whether you can recollect, at any of those meetings, at the Quintuple Alliance, your declaring to those present, that we must not provoke you and other gentlemen in your situation, if we did not succeed in a parliamentary reform, for that the people must do it themselves?

A. I cannot say I do.

Q. Does your Grace recollect the time of the coalition between Lord North and the opposition?

A. Certainly.

Q. Does your Grace recollect the very forlorn situation in which I stood, when Sir William Plomer was mayor, and when twelve hundred gentlemen present were much offended with me for supporting the crown against this junction of power to seize the crown?

A. I am very far from recollecting, I don't recollect any opposition against any person for a proposal of that kind.

Q. Do you recollect, at any period of the Quintuple Alliance, having seen me in this situation standing an hour amidst hooting and hissing, and, at last, succeeding with universal approbation?

A. I recollect having seen Mr. Horne Tooke at some meetings very often in the minority and arguing; but I cannot recollect the subject. I recollect he argued with great ability, and met with great approbation. I cannot remember the circumstance, so as to say positively upon my oath.

Q. Was your Grace a member of the Constitutional Society?

A. I was a member of it.

Q. I would ask your Grace, but I think it will be impossible for you not to recollect, whether you ever, at these meetings, heard me say any thing against the King, Lords, and Commons?

A. Never; quite the contrary, I am sure.

Q. Does your Grace remember any meeting of delegates of great towns at the Thatched House Tavern?

A. I recollect

A. I recollect having met Mr. Pitt there at some of those meetings?

Q. At the Thatched House?

A. I think it was at the Thatched House.

Q. Can your Grace recollect persuading those to give up their opinions, and to leave it to Mr. Pitt to pursue his plan of a reform in parliament?

A. I do recollect it.

Q. Do you recollect when this convention of delegates placed their confidence in the Duke of Richmond's plan, we met we knew not for what, and parted without knowing what had been done—We met, and having met, we trusted to the discretion and integrity of Mr. Pitt, to pursue such measures as he should think fit to obtain the object he had in view?

A. Yes.

Lord President. Recollect what?

A. I recollect a meeting at the Thatched House Tavern, and at that meeting I did endeavour to persuade those who were for a more extensive reform, not to insist upon it, but trust to the attempts made by Mr. Pitt for a more moderate plan.

Lord President. Not more extensive?

A. I don't know what that plan was to be—I did what I could with the people, who were for a more extensive reform, to trust to Mr. Pitt for a more moderate one.

Mr. Tooke. I understand your Grace to have answered to my question, we were persuaded, as there were different opinions, it was thought better, as this convention of delegates from counties and great towns were very numerous, we were persuaded to avoid coalition of sentiments, and trust to the discretion, integrity, and honour of Mr. Pitt, to take such steps as his wisdom should think fit?

A. I do recollect that, but I do not recollect that the heads of it were then known.

Q. Your Grace will recollect, that after Sir George Saville had not chosen to undertake the business, and Mr. Pitt was proposed, this was the first meeting Mr. Pitt appeared to take any step in the business of a parliamentary reform; on the 7th of May, 1782, Mr. Pitt was in a committee of the House of Commons, consequently there could not be a specific reform.

Lord President. That is too much of argument.—Can you recollect when this conversation passed?

A. I really cannot.

Q. Do you recollect whether it was before, or whether it was after this motion by Mr. Pitt?

A. I only speak by a sort of guess about it.

Q. Have

Q. Have you any recollection?

A. I have not.

Q. I don't ask you to guess?

A. I have not.

Mr. Tooke. Perhaps your recollection will serve you thus far—Do you recollect whether the specific reform, proposed by Mr. Pitt, was after he was minister or before?

A. Before.

Q. Whether he ever attended any conversation of that sort after he was minister?

A. I believe not.

Mr. Tooke. Consequently I have fixed the regular time.

Lord President. Does your Grace conclude this was before he made his motion?

A. Before he made his last motion.

Q. Was there more than one made?

A. I think so; I rather think there were two made.

Mr. Tooke. Mr. Pitt made two motions, one in 1782, for a committee of enquiry; in 1785, Mr. Pitt was minister; in 1782, Mr. Pitt was in no office. His Grace says, he does not apprehend he attended any meeting after he was minister, consequently the recommendation to persons, there mentioned, to trust to any plan he would make, must have been for the previous motion, the committee of enquiry.

Cross Examined by Mr. ATTORNEY GENERAL.

Q. Your Grace says, this meeting agreed to trust to Mr. Pitt's discretion, was that discretion to be exercised in parliament, as a member of that house?

A. Undoubtedly so, Sir.

*The Right Honourable WILLIAM PITT, sworn.—Examined by Mr. TOOKE.

Q. I beg Mr. Pitt to say, whether that is his hand-writing? (*Shewing him a book.*)

A. It is.

Lord President. You must state what it is?

Mr. Tooke. It relates to the importance of a parliamentary reform.

Lord President. What connection do you make between that and your case?

Mr. Tooke. My Lord, the same connection that was made by that which your Lordship admitted, namely, the Duke of Richmond's letter, which was introduced as a justification of Hardy, and those that introduced his plan—I introduce this as a justification for myself.

Lord

Lord President. Mr. Hardy introduced the Duke of Richmond's plan by shewing they followed it, and professed to do it; if you shew you adopted any particular plan of Mr. Pitt's, and make that evidence, you cannot introduce it in the manner now proposed.

Mr. Tooke. My Lord, Mr. Fox, in his evidence, proved a meeting at the Thatched House Tavern, and proved I supported the thanks of the meeting to Mr. Pitt for the motion he made.

Lord President. Do you state this to be that specific motion?

Mr. Tooke. Yes; the specific motion that regulated my conduct.

Lord President. If it is the specific motion Mr. Fox alluded to, you are the proper person to read it.

Mr. Tooke. This is the whole of the plan I ever pursued; it was recommended by Mr. Pitt. I thought it essentially necessary to the independence of parliament and the liberty of the people. I never was the forwarder of any particular plan; but I am brought here for being the friend of those who should offer any plan for the reformation of parliament, thinking none could be for the worse, and my exertions shall never be wanting in support of a measure I never can think improper, that is, a reform in parliament, and of the representation of the people.

Lord President. As to the plan of any particular gentleman, as to a reform in parliament, or any other, unless you connect it with your own plan, it is of no use.

Mr. Tooke. That is not a plan.

Lord President. I told you, in the case of Hardy they offered in evidence proof, that they had acted upon the Duke of Richmond's plan; in order to shew what they acted upon, it was necessary to look at the Duke of Richmond's plan; if you can shew you acted upon this paper, you might offer it in evidence.

Mr. Tooke. I apprehend, unless I am very much mistaken, I have proved it by the Duke of Richmond and Major Cartwright—I have proved precisely I acted upon the plan of the right honourable gentleman, and my ideas were the same, it was essential to the representation in parliament and the liberties of the people.

Lord President. If it was your own plan, and any other gentleman adopted your plan, it could not make it evidence. The only way I understood you offered it as evidence was, that Mr. Fox's evidence proves that there was a meeting, and it was proposed to thank Mr. Pitt for the specific plan he had proposed to the House of Commons, if this had been that specific plan you would have been right.

Mr. Erskine. Never having seen the letter my client has

in his hand, it was necessary he should take this examination himself, it is not understood by the court, how he proposes to make it evidence; there was a meeting of gentlemen of great distinction undoubtedly, at the Thatched House Tavern, and many persons were very desirous of adopting that plan the Duke of Richmond was the espouser of; it was proposed these persons should give up their plan, and rather trust it to the integrity of the right honourable gentleman, whose name was mentioned, and now sworn as a witness. Mr. Horne Tooke seeing that plan of reformation, wished to fix the time, and to see whether there was any specific plan of Mr. Pitt, it came out equal to that which comes from mathematical demonstration, it must be so, it comes out he never had any plan subsequent to that time.

Lord President. I have put a mark against the whole of that evidence; it amounts to nothing; Mr. Horne Tooke has not connected any act of his with the Duke of Richmond's examination.

Mr. Erskine. I request your Lordship to put a note upon that, the Duke of Richmond not swear what I say he did swear, that he never had been in company with Mr. Horne Tooke and Mr. Pitt subsequent to that, consequently it must be before that time.

Lord President. Nothing passed between Mr. Horne Tooke and the Duke of Richmond, but the Duke of Richmond declared at the meeting, when Mr. Horne Tooke was present, every man should give up those sentiments and leave it to Mr. Pitt, to take such measures as he should chuse, upon which nothing was done.

Mr. Erskine. And to which Mr. Tooke assented.

Lord President. (*To the Duke of Richmond.*) Does your Grace recollect when it was proposed every body should give up their own particular opinion, and submit to a partial reform of Mr. Pitt, what part Mr. Tooke took? Whether there was any dissenting voice—was it agreed to by the meeting?

A. I think it was.

Mr. Erskine. I am about to submit to the judgment of the court, whether Mr. Horne Tooke is in a condition to have this letter read, not knowing what the contents of the letter are, and how they will bear upon the case.

Lord President. Who is the letter to?

Mr. Horne Tooke. It is a letter of Mr. Pitt's upon the subject of a parliamentary reform.

Lord President. To whom?

Mr. Horne Tooke. I don't know to who, but Mr. Pitt declares it to be his own hand-writing, though not seized by the Secretary of State—I beg leave to say, things found without any dates or signatures, read against me —————

Lord President. He may give evidence in his own person.

Mr. Horne Tooke. I beg he may hear this to refresh his memory.

Mr. Erskine. I conceived it to be a letter to Mr. Pitt—I find it was not so.

Mr. Horne Tooke. (*To Mr. Pitt*) I beg Mr. Pitt to say to whom this letter was sent, for I declare I don't know?

A. I cannot ascertain to whom the letter was addressed; I can only judge from the contents of the letter what description of persons it was addressed to—it might be to some person acting as chairman of the Westminster committee, I not being at home the other gentlemen of the Westminster committee did me the honour to call; it is only from that circumstance I can guess whom it came from, as I have not the least recollection who it was.

Q. Does he recollect meeting me?

Mr. Pitt. To what time does this question refer?

Mr. Horne Tooke. To the earliest time you can recollect.

A. In May 1782, I remember meeting Mr. Tooke at the Thatched House Tavern.

Q. At any meeting of delegates?

A. Some time before I made the motion for a parliamentary reform, I think it must be about the middle of May 1782.

Q. Do you recollect what his Grace said—it is a letter in consequence of meeting me there—Do you recollect seeing Lord St. John there, or Mr. St. John?

A. I think Mr. St. John was present, but I am not certain.

Q. Perhaps you may recollect I was present by some word that passed that made you laugh, I might recal it to your memory?

A. I cannot say with certainty who were present, but I should rather state from recollection that Mr. Horne Tooke was present.

Q. Do you, at that meeting, recollect having recommended to those persons present, and me (if I was there) to endeavour to obtain the sense of the people throughout England, in their different parishes and districts, in order to lay a foundation for future application to Parliament with effect?

A. I have no particular recollection of recommending such a measure, but it was the meaning of that meeting to recommend getting the sense of the people, to petition Parliament with a view to a reform.

Mr. Horne Tooke. Then I may read that letter?

Lord President. No; you are not a bit forwarder.

Mr. Horne Tooke. Then I hope I may have it back again?

Lord President. Certainly.

Mr.

Mr. *Horne Tooke*. I did intend to ask the Right Honourable Gentleman a few other questions; but the laugh of the Court prevents my being serious, therefore I shall ask him no more.

Cross-examined by Mr. ATTORNEY GENERAL.

Q. I beg to know to what meeting you allude?

A. In May 1782.

Q. You stated Mr. Tooke was present at a meeting in May 1782—was there any proposition that meeting to bring about a convention of the people, by delegates and affiliated societies?

A. There certainly was such a meeting in my presence.

Mr. *Horne Tooke*. Were we not a convention instead of a meeting to bring it about—What was it but a convention of delegates of different towns—a convention of delegates appointed by different counties and great towns in England?

A. I have not an exact recollection at this time how that meeting was composed; but I did not consider it as a meeting of those who were authorized to act for any body but for themselves.

Q. Perhaps you may be able to recollect it was objected to in the House of Commons upon the very ground that the petitions did come from persons in delegated capacities?

A. No petition came from that meeting to which I allude—but that meeting was the ground of the meeting which afterwards followed.

Lord President. Was any petition objected to upon account of its coming from any persons delegated?

Mr. *Tooke*. I have put the exact question if I understand it right—I understand it to be, whether any petitions to Parliament were objected to by Parliament from persons delegated?

A. I have no recollection in my mind of any petition subsequent to that meeting that was objected to upon the ground stated at this time, I cannot recollect it with certainty.

Mr. *Horne Tooke*. Your Lordship will see I avoided asking these questions of the Right Honourable Gentleman, not thinking it fair he should be called upon at this remote distance of time for such questions as these.

Mr. *Attorney General*. I mean to ask, whether at the meeting there were any persons who met there as delegates of the people, or acted for themselves, or merely the persons that sent them?

A. I understood those persons as expressing their own sentiments.

Q. But not deputed for that purpose?

K 2

A. I don't

A. I don't know but some of these individuals might be deputed for that purpose.

Q. Was it for promoting an application to Parliament?

A. Yes.

RICHARD BRINSLEY SHERIDAN, Esq, sworn,
Examined by Mr. ERSKINE.

Q. Sir, do you know Mr. Horne Tooke, the prisoner at the bar?

A. I do, Sir.

Q. Have you ever seen him at any meetings held for the purpose of obtaining a parliamentary reform?

A. I have met him certainly at several meetings held for the purpose of obtaining a parliamentary reform.

Q. State what those meetings were?

A. I have met him at different associations in the year 1780, and I rather think, but I am not certain, at a convention or meeting to which delegates were sent from various parts of the kingdom, to consider of the best means of obtaining a parliamentary reform.

Q. What do you say of delegates?

A. Delegates met from different parts of the country and towns for the purpose of obtaining a parliamentary reform, and to act for those who deputed them.

Q. Perhaps you may be able to know the business better than me by being yourself a delegate of some district?

A. I was for Westminster, with five or six other gentlemen.

Q. What was the nature of your delegation?

A. The purpose of our appointment was to act in concert with the other deputies or delegates, to correspond with the other societies associated for the purpose of a parliamentary reform, and certainly by all legal and constitutional means, so far to interest and engage the public mind in that object, with an expectation certainly that the influence of public opinion would so far operate upon the House of Commons, that we might ultimately gain our object, without which influence or interposition on the part of the people, we certainly had no hopes from the House of Commons.

Q. Did the inhabitants of Westminster (such as were friendly to reform) leave it to the discretion of their delegates how that object should be best accomplished in a legal and constitutional mode, which was the object of your delegation?

A. In my opinion they confided the means to them entirely.

Q. Confided the means to them entirely?

A. Entirely.

Q. Was

Q. Was it not a thing as notorious as that I am speaking to you, that those delegates did act for other societies, and not merely for themselves?

A. I think we never signed any resolutions, or put forth any paper, in which we did not sign ourselves acting for other people.

Q. Is it possible a person could belong to an association, such as you have described, composed of various persons in delegated characters, and signing their names as delegates, without knowing they were acting for others?

A. Certainly no person could act with them without knowing it, because he must be a person appointed by some body or other.

Q. You said you had seen Mr. Horne Tooke at those meetings, which had for their object the obtaining a reform from Parliament—Did Mr. Horne Tooke dissent or assent to those propositions made at those meetings?

A. I don't recollect any instance of Mr. Horne Tooke objecting to the general plan upon which we were all acting, and all associated for.

Q. Did Mr. Tooke come as a critic upon your proceedings, or assist and aid you in your object?

A. I apprehend he came for the same purpose we all did.

Lord President. Was he a delegate?

A. I should think he must be.

Mr. Erskine. What number might there be of delegates?

A. At one time a very considerable number, from a great number of respectable counties,—Yorkshire, York, Devonshire, and a number of Members of Parliament were there.

Q. Were you delegated to consider the language in which a petition should be drawn up, or delegated to consider generally how a reform should be obtained?

A. Certainly we considered ourselves as delegated generally to pursue the best and the strongest legal means to obtain our object.

Q. Was the act of petitioning, the time when, and the mode, and to whom the petition should be addressed, left to the delegates?

A. Certainly—we were very much of opinion, except as to the form of the thing, that petitions, until they came from the whole body of the people, were perfectly frivolous and useless.

Q. You were very much of opinion that petitions, until they came from the whole body of the people, would be frivolous and useless?

A. We were.

Q. Of that opinion with the Duke of Richmond?

A. Certainly.

A. Certainly.

Q. You met as delegates to collect the public sentiments upon that head?

A. Undoubtedly—conceiving we should have delegates or deputies to meet in a much larger meeting—a convention from all parts of the kingdom.

Q. At that meeting which was to operate upon the House of Commons, was it intended to do any thing like rebellion?

A. Certainly not any thing like violence or force, but we did intend to create a degree of awe and respect for our proceedings, not wrongly or improperly, but a degree of awe which the House of Commons must have a respect for, and must pay when presented by the whole voice of the people.

Q. That was your purpose and hope?

A. That was my purpose and hope.

Mr. Horne Tooke. Does Mr. Sheridan recollect the 14th of July, 1790, the first meeting that was called as an anniversary of the French revolution?

A. I recollect perfectly attending a meeting at the Crown and Anchor, which was an anniversary meeting, to celebrate taking the Bastile, or the French revolution, and the acceptance of the constitution by the King of France—I attended that meeting.

Q. Do you recollect who took the chair?

A. Lord Stanhope, I think.

Q. In what year?

A. In the year 1790.

Q. Does Mr. Sheridan recollect that on that day and in that place, at the Crown and Anchor, Lord Stanhope being in the chair on the day of the anniversary, he made a motion in these words, or to this effect—"That this meeting does most cordially rejoice in the establishment and confirmation of liberty in France, and that it beholds with peculiar satisfaction, the sentiments of amity and good will which appear to pervade the people of that country towards this kingdom, especially at a time when it is the manifest interest of both states that nothing should interrupt that harmony that at present subsists between them, and which is so essentially necessary to the freedom and happiness not only of the French nation, but all mankind?"

A. I recollect moving a resolution myself, and having no copy or recollection of it, till I heard it mentioned by Mr. Erskine, but I conceive that is word for word, the resolution which I moved and wrote.

Q. Does Mr. Sheridan recollect that I being there present made no objection to the motion, but expressed a strong desire some qualifying expression might be added to this motion respecting the French revolution; did I express my full approbation

bation of that motion—did I, or did I not at that time mention the danger of the misinterpretation of others not friendly to the liberty of France?

A. I should apprehend the motion that was moved by me was not hastily drawn up; I went with a great number of gentlemen of the Whig Club—I remember at the meeting the day before, for information of the stewards respecting this meeting, when Earl Stanhope was to be in the chair, it was said, there might possibly be some motion in which we should not like to be misrepresented; it was desired to be done by me, and drawn up for the purpose—it was moved soon after dinner, and received with very great approbation.

Lord President. Did Mr. Tooke object to the resolution?

A. Mr. Horne Tooke did not immediately object to the resolution, but when he rose he first of all proposed an amendment to it; I recollect his stating it was an unqualified motion and approbation of the French revolution, and in the terms I have mentioned, that it might produce an ill effect out of doors, that it might induce a disposition to a revolution in this country, or if it did not produce that effect, that at least it was capable of being misrepresented, so as to be stated to have that object and intention; I think I recollect perfectly well Mr. Tooke's advertising in his speech to all the gentlemen at the meeting having national cockades, which we all had; and his arguing the necessity of qualifying our approbation of the French revolution, and establishment of liberty in France, with a declaration in favour of the principles of our own constitution. I remember the fact more accurately—His argument was the necessity of qualifying our approbation of the French revolution, and of establishing liberty in France, with a declaration of our attachment to the principles of our own constitution—I was going to add, I remember perfectly well his speaking in a figurative manner in describing the form of government in France as a vessel so foul and decayed, that no repair merely could save it from destruction; I cannot be positive to the very words, but they were to that purport—I am quite positive of the very terms he used in contrasting it with our state—he said, thank God, the main timbers of our constitution are sound, having before stated many reforms were necessary, and would be of service.

Lord President. Having before observed that a reform was necessary?

A. That a reform was necessary. I remember the conversation or debate more accurately from these sentiments of Mr. Horne Tooke having been received by violent people, or people that mistook his intention, with great disapprobation, and

and with very rude interruption, so much so that I believe Lord Stanhope interfered to preserve order.

Mr. Attorney General. Without some qualified approbation of the French revolution, and establishment of liberty in France, it might produce a revolution in this country?

A. No; that the proceedings might be liable to that observation.

Mr. Horne Tooke. Does Mr. Sheridan recollect, or does he think that is the only time Mr. Sheridan remembers me in different meetings to have met with very great disapprobation from very large companies?

A. In very many public meetings I have had the misfortune to differ and oppose Mr. Horne Tooke; I have very frequently seen him treated with very great marks of disapprobation, but never saw him much affected.

Q. Was it after the other motion was carried that I moved this resolution—"That this meeting feel equal satisfaction that the subjects of England by the virtuous exertions of their ancestors have not so arduous a task to perform as the French have had, but only to maintain and improve the constitution their ancestors transmitted to them?"

A. I am apt to think Mr. Tooke proposed those words as an amendment; I opposed them on this ground, that we met there to give our opinion of the establishment of liberty in France, whom we conceived to be a constant enemy to the country, I opposed it as there might be people that would think that it was introducing debatable matter contrary to unanimity. I recollect Mr. Tooke withdrawing the amendment, and afterwards moved it as a distinct proposition; and Mr. Tooke having overcome us by arguments, it was then adopted with as much unanimity as my resolution had been before.

Mr. Horne Tooke. I hope the Court has taken this last part of Mr. Sheridan's evidence—Mr. Sheridan stated his motion was not sudden, but well deliberated before, for the purpose of moderation, and I beg the Attorney General to observe I moderated the moderator.

Cross-examination by Mr. SOLICITOR GENERAL.

Q. Was you present in the year 1790, at this meeting for celebrating the anniversary of the French revolution?

A. I was.

Q. At what time of the year?

A. I think in July.

Q. Can you recollect what title the meeting had?

A. I do not—I should think it was Friends to the establishment of liberty in France.

Q. As

Q. As the friends of liberty, you met in London to celebrate the French revolution?

A. I believe I might.

Q. Do you remember a meeting of the same sort in 1791?

A. I remember a second meeting.

Q. Was you present?

A. I think I was not present—I was not present from any alteration of my opinion.

Q. Then you don't know what passed at that meeting of the 14th of July, 1791?

A. I know what passed.

Q. Mr. Tooke's proposition, to qualify what you proposed, you say was received by some violent people with great disapprobation?

A. I imagine it must have been by some violent people.

Q. What was the nature of this disapprobation?

A. A great deal of hissing and interruption, which is common in public meetings of that sort.

Q. Was that disapprobation of the amendment caused by any thing said by Mr. Tooke?

A. Certainly the disapprobation arose from persons differing from Mr. Tooke, who seemed to condemn the moderation of his principles.

Q. You spoke of a meeting of persons, in the year 1780, whom you described as delegates?

A. That was in the year 1780.

Q. Do you recollect what time of the year?

A. I cannot say;—I think it must have been in the year 1780.

Q. Was there more than one meeting?

A. There was first of all the Westminster Association, and a committee appointed by the meeting called the Quintuple Alliance general meeting—the more immediate object of the meeting was to plan an æconomical reform, which evidently meant a parliamentary reform, and that meeting set for a considerable time in Guildhall, in the city of London, by permission of the Lord Mayor and Court of Aldermen, and was attended by their officers.

Q. You say at this meeting there were persons who proposed to act for persons who deputed them—did they propose to act for persons that did not depute them, or in their name?

A. I should have thought it an extraordinary proposition; having no recollection in my mind of it, yet I should suppose nobody was absurd enough to do it.

Q. Then you take it they acted only for those, or in the name of those that deputed them?

A. Certainly.

Q. Were there not people in those meetings that were not in the character of delegates?

A. I remember at the meeting at the King's Arms, Westminster, a number of persons attending, I should conceive not delegates—I remember we examined the Duke of Portland upon Lord Hillsborough's speech in the House of Lords, stating it was illegal to hold such meetings, and that we had been the occasion of disturbances; upon that being spoke in the House of Lords, I should suppose the Duke of Portland was deputed to us for the purpose of giving this evidence; but he was not a delegate.

Q. Were you in Parliament in 1780?

A. I certainly was not; but my being in Parliament has not altered my mind that a reform is necessary.

Q. Was you present, in 1782, at that meeting?

A. If there was any I must have been there, I never avoided the object, I always meant to espouse it.

Q. You don't recollect being at any meeting, in 1782, in particular?

Mr. Horne Tooke. It is necessary for me to set right what appears to be misunderstood by the Solicitor General, by some questions he asked—Was that anniversary meeting of the French revolution before or after the Westminster election in the year 1790?

A. I think it must have been after the election.

Q. You say a great number of the Whig Club attended by agreement together?

A. Yes.

Q. Were there a number of them attending the meeting?

A. Certainly a great number.

Q. Does not he think that opposition to me might not arise from that part of the Whig Club that had been in opposition to me at the election of Mr. Fox—I mention it to the Solicitor General to shew that, although there was a violent opposition to the amendment of the motion, when they came to hear the moderate language I used it was adopted, the violence proved personal, and they adopted the measure?

Lord President. I don't know whether I quite understand this meeting of delegates—When does Mr. Sheridan understand the first meeting of delegates was, and where?

A. There was a meeting of delegates held, I think, in an Auction Room somewhere in King-street; as to the time I cannot recollect it—I am not positive of the fact, but I rather think I did not belong to it—I might be unwell—I remember Mr. Thomas Grenville was a delegate.

Lord President. Do you know what number met, and how many delegates were there ?

A. I cannot refresh my memory as to that.

Q. Does Mr. Sheridan recollect where the next meeting was ?

A. I really do not—I think it was in Guildhall.

Q. Then do you think it was a meeting of the same delegates, from the same places, or was it a meeting of other persons ?

A. I am pretty sure it was a meeting of other persons.

Q. Was it a meeting of persons called by the name of the Quintuple Alliance ?

A. No; I am pretty positive of it—I am sure of it.

Q. You think it was a meeting of others ?

A. I think Mr. Wyvill was there.

Q. What other meetings do you recollect ?

A. I don't know whether the meetings were formerly separated or broke off without any formal breaking up.

Q. Do you recollect no meetings of any other delegates ?

A. I recollect a meeting at the Thatched House, but I rather think it was not there—I don't think that was a meeting of delegates; there were persons there not members of Parliament; and at the meeting at the Duke of Richmond's house, I remember it was proposed Mr. Pitt should be requested to propose a reform in Parliament.

Mr. Pitt. I understand he was only asked to the meeting at the Thatched House.

A. I certainly did not recollect being present at the meeting at the house of the Duke of Richmond, in Privy Gardens; I have only answered the other question—I have nothing to correct the evidence with, but to add, that previous to my making a motion for a parliamentary reform, the meeting was not held at the Thatched House, but at the Duke at Richmond's, in Privy Gardens, at which, I believe, a great number of members of Parliament attended, and a great number that were not, who, I conceived had been delegated from different county meetings, and different towns.

EARL STANHOPE sworn—Examined by Mr. ERSKINE.

Q. Your Lordship was in the chair at the meeting to celebrate the anniversary of the revolution in France ?

A. I perfectly recollect having been in the chair at a public meeting, held on the 14th day of July, in the year 1790, a year after the Bastille had been pulled down, and we met to celebrate that glorious event.

Q. What number of persons, and what sort of description were they of, that attended it ?

A. A very respectable description of persons, and several hundreds.

Q. Do you remember the prisoner at the bar being there ?

A. Most certainly, and Mr. Sheridan was there.

Q. Does your Lordship remember the motion made by Mr. Sheridan, or the resolution that was proposed by him ?

A. To the best of my recollection the health of Mr. Sheridan was drank, or something of that sort, and he made his motion, which was, as far as I could hear, that which was read in this Court to-day.

Q. Does your Lordship remember what Mr. Tooke said, previous to his moving that resolution which was also read ?

A. Mr. Sheridan had, if I recollect, thanked them, and expressed his pleasure when they drank his health—Mr. Tooke having spoken respecting the approbation of Mr. Sheridan, and the pleasure he had on the approbation of the gentlemen present—he said something to this effect, that he had been in the habit of flattering women, but he did not like to flatter men ; and he was hissed for this, and I believe he was the more hissed because it was a little after the Westminster election—but after that Mr. Tooke went on, and did not speak so respectfully of the resolution, moved by Mr. Sheridan, as I confess I wished—he spoke to the danger of its being misconceived by the public, and advised something to be added ;—I think he proposed, as an amendment, that something should be added about our own constitution, and he spoke something about ships and timbers ; and I think I recollect an expression he used, which was, that “ all our timbers were sound ; ” and he was very much hissed and hooted indeed for it—as far as I recollect they conceived he was talking about venal boroughs ; I that knew he was a friend to a reform in Parliament, did not understand him in that sense—I understood him to mean the main timbers of the constitution ; at the same time I did not much like the expression, because it was liable to be so much misunderstood. It was with some difficulty I could procure Mr. Tooke a hearing, for they seemed very angry at it, and I don’t know whether I could have got him a hearing if I had not done something disrespectful ; I said something to this effect, that they might hear him first and hiss him afterwards, and then they did hear him.—I think there was some little debate about this motion of Mr. Horne Tooke’s, and at last, not wishing to mix sober acceptations of that event in France, which we expected would produce peace between the two countries, with any thing relative to old politics, Mr. Horne Tooke’s was made as a separate motion, and that separate motion was, to the best of my memory and recollection, as it was stated and read in this court

court this day, and the substance of it was, that we did not want a revolution in this country, but an amendment in some respect, and the resolution was, as far as I can recollect, as stated this day.

Q. All the company knew that the constitution in France was established?

A. I knew that the constitution of 1789 and 1790, in France, was established—I cannot speak to what passed in France; but, to my knowledge, there were two constitutions, according to my memory, one in 1789, finished some time in 1789; that same one was perfected, and it was not finished till 1791; it was called the French Constitution of 1789, 1790, and 1791, and it was so technically called.

Q. Has your Lordship any reason to believe this disapprobation was expressed of Mr. Horne Tooke before they knew what he was going to introduce, or that he was going to introduce any thing like disorder or anarchy in this country?

A. There was a set of gentlemen, what they technically called Foxites, I mean no disparagement, and Mr. Tooke stood against Mr. Fox, and he not being very civil to Mr. Sheridan, they hissed him.

Q. Was there any person in the room, as far as you could discover, that wished to destroy and subvert the constitution of this country?

A. I am perfectly persuaded by the demeanour and conduct of the gentlemen there, and as far as I knew of them, they had no such intention.

Q. Your Lordship knew your own intention?

A. Oh! most certainly. I was then in the House of Lords at the time of this meeting.

Q. In 1782, you was Lord Mahon?

A. Yes; and I was in 1784.

Q. Was your Lordship in the House of Commons during the life of your father?

A. During part of his life, the latter end. I think I came in at the general election, I fancy the latter end of 1780.

Q. Did your Lordship attend any meetings for a parliamentary reform?

A. I attended a great many of them.

Q. What were the nature and quality of those meetings where you saw ———

Lord President. First of all—Did you see Mr. Horne Tooke there?

A. Yes, my Lord, I am perfectly certain I did; I was at the meeting held at the Duke of Richmond's House; I believe it was, I cannot be certain, ———

Mr.

Mr. Attorney General. Your Lordship ought not to inform us about the Duke of Richmond's meeting, but what passed at any meetings where Mr. Horne Tooke was?

A. I have some recollection; I am not certain whether he was there or not.

Q. Does your Lordship remember any meeting where you saw Mr. Horne Tooke?

A. Why I am pretty certain Mr. Horne Tooke was at the meeting held at the Thatched House Tavern, in the year 1782, a short time after Mr. Pitt's first motion; for Mr. Pitt made three motions. Mr. Pitt's first motion for a parliamentary reform had been negatived by the House of Commons; the second motion of Mr. Pitt's was a general motion to go into a committee; and his third motion, in 1785, was to advance three million sterling, for the purpose of buying up certain boroughs. After Mr. Pitt's first motion was rejected, this meeting was held.

Q. Does your Lordship know what motion it was that Mr. Pitt made?

A. His motion that he made will best appear by the Journals of the House of Commons.

Q. I understand it is not yet settled whether your Lordship has sworn Mr. Tooke attended at the meeting at the Thatched House Tavern?

A. I remember his attending, that I am positive of the meeting in the year 1785, at the Thatched House Tavern, but am not so certain he attended in the year 1782.

Lord President. The Duke of Richmond said he was there in 1782.

A. I cannot charge my mind, but am sure the Duke of Richmond was there; I am sure Mr. Pitt was there, and I am sure Mr. Wyvill was there.

Mr. Erskine. The Duke of Richmond has sworn Mr. Tooke was there.—I wish to know what part Mr. Horne Tooke took at that meeting?

A. I cannot charge my memory with what he did, I could not possibly say he was there; but as to the general purport of the meeting, it was, to the best of my recollection, a general motion. I don't know whether it was not thanks to Mr. Pitt, and then a recommendation to the people; in the second resolution, to meet during the summer, for the purpose, I forget the words, by legal means to get a parliamentary reform; in short, to get the people to encourage it by petition, and so forth;—it is a great while ago.

Q. Does your Lordship recollect being present at the meeting in 1785?

A. Perfectly;

A. Perfectly; Mr. Pitt was present, the Duke of Norfolk, Mr. Wyvill was there, John Joy, Esq. was there, the late Alderman Townsend was there, Alderman Sawbridge, and, I think, Mr. Wilberforce.

Q. What was this meeting constituted for?

A. The person that brought this meeting together was Mr. Wyvill, and he was a warm friend of Mr. Pitt's last plan, that was rejected in 1785; I mean, that where three million was to be given to compass this great object; Mr. Wyvill had written an account of Mr. Pitt's plan, and he shewed it to me; I suggested some alterations to be made to it, and he, I understood, had shewed it to Mr. Pitt himself, and the thing, so prepared, was read at that meeting; it was a description of Mr. Pitt's last plan, a very detailed description, and Mr. Wyvill himself, to the best of my recollection, moved a specific approbation of that plan of Mr. Pitt's, that it would be a great improvement; some persons objected to it, among others, I recollect very well, Mr. Charles Fox objected to it, and Mr. Tooke debated it with him; Mr. Fox was against it, Mr. Tooke was for it.

Q. Does your Lordship recollect how that meeting was constituted—Did you each come in your own persons for yourselves or for any other persons?

A. No; we did not at that meeting; I remember in the year 1781, we were a convention of delegates, but this meeting, I am now speaking of, we attended in our individual capacity.

Q. And can you take upon you to say correctly, as you have done already, Mr. Tooke did assent to the distinct proposition so made by Mr. Pitt for a reformation of the House of Commons?

A. The motion made by Mr. Wyvill was to approve of Mr. Pitt's plan, specifically, after it had been put upon paper, and it was aye or no; upon holding up hands Mr. Tooke was for it and debated for it.

Q. Have you ever had an opportunity of seeing Mr. Tooke, at other times, independent of what you are speaking of?

A. Yes; I am sure I have seen him at the Public Readings, in Lisle Street, by Telfier.

Q. Have you ever been in the habit of intimacy with him in private life?

A. No; I have seen so many people, and have been at so many meetings, I cannot precisely say.

Q. Did you see him at any other meetings where there were delegates?

A. I cannot be positive, but in 1780 and 1781, at two meetings.

Cross-Examined by Mr. ATTORNEY GENERAL.

Q. I have only one question to ask your Lordship—all the transactions you have spoken of, happened on or before the year 1785?

A. On or before the year 1785.

Q. Then I give you no further trouble—All before 1785?

A. Of course before 1785.

Q. Then you know nothing of what was before the year 1790?

A. I have not been asked to them.

Q. Then is there any thing relative to the question that has been put to you subsequent to the year 1790?

A. I don't understand the question—I was asked, whether I saw Mr. Tooke at the meetings in 1781, 1782, and 1785.

Q. Have you, as yet, deposed to any fact since the year 1790, because if your lordship has not, I don't mean to ask you any question?—I understand, that subsequent to the year 1790, you have not seen him at all?

A. I cannot say I have seen Mr. Tooke at any public meeting since then.

Q. Nor in private company?

A. No; I cannot say.

Mr. WYVILL, sworn.—Examined by Mr. ERSKINE.

Q. You have heard Lord Stanhope examined just now—Do you recollect the meeting which his lordship alludes to in the year 1785?

A. Perfectly.

Q. By whom was that meeting called, and for what purpose?

A. It was called chiefly at my desire.

Q. For what purpose?

A. With a view to obtain a resolution by that meeting, expressive of an approbation of the plan proposed by Mr. Pitt in parliament, and rejected there, in hopes that it might unite the friends of parliamentary reform throughout the kingdom.

Q. For what purpose?

A. For the purpose that they would apply again to parliament to support that motion that had been negatived.

Q. What did you expect from their so uniting to support that motion when it was negatived before?

A. There had been a considerable difference of opinion among the persons that proposed a reformation of parliament; Mr. Pitt proposed this specific plan, which, it was thought, if approved by the Thatched House Tavern, might put an end to that difference of opinion, and procure an united assent to it.

Q. What

Q. What did you expect from that united assent?

A. A greater effect from that united plan than the disunited one.

Q. Do you recollect that gentleman that has the misfortune to be before you, attending there?

A. I do recollect it perfectly well.

Q. Do you recollect he was present when Mr. Pitt's plan was proposed?

A. He was.

Q. As I take it for granted you never could expect to come to this place to answer my questions, I only ask whether the assent to thank Mr. Pitt for his proposition was universal?

A. There was no proposition to thank him, but a proposition to declare the plan proposed by Mr. Pitt, would procure reformation; that proposition was negatived by the majority of the meeting, therefore, it was of no use to propose thanks to Mr. Pitt.

Q. What part did Mr. Tooke take in that?

A. I perfectly recollect Mr. Tooke spoke to the proposition made to the meeting;—I made it myself.

Q. I understand that you made a proposition which was opposed and negatived?

A. I mentioned that, I put a proposition to them and it was negatived, which was, that if Mr. Pitt's motion was carried into effect, it would be a substantial improvement of the constitution; that was the substance of it; Mr. Tooke took a debate in support of that proposition; before it was negatived, some spoke in favour, others against it; I perfectly recollect Mr. Horne Tooke spoke in support of the proposition.

Q. Whether those who negatived Mr. Pitt's proposition, negatived it upon the approbation of some other plan consistent with Mr. Pitt's?

A. As far as I recollect, nothing of that kind occurred.

Lord President. Was any question put upon it?

A. I think not.

Q. How do you know it was negatived?

A. There was a question upon my proposition, and it was negatived.

Q. Mr. Horne Tooke spoke upon it?

A. Yes.

Q. We have learnt, in the course of this cause, there was a great many meetings of these societies, had you ever an opportunity of seeing Mr. Horne Tooke at any of them at any other time?

A. I cannot, with certainty say that, but I think Mr. Horne Tooke was present in the year 1782, immediately after Mr. Pitt's first proposition, I certainly recollect it.

Q. What was the object of that meeting?

A. The object of that meeting, as far as I understood it, was to meet in their respective districts to petition parliament for a reformation.

Q. Was there a resolution of that sort come to at that meeting?

A. The proposition come to at that meeting I cannot exactly recollect, I made it myself; I only can recollect the substance of it?

Q. I only want the substance?

A. There was a proposition made to that effect which I have given, because parliament, when it was proposed by the right honourable gentleman, had negatived the motion; this was a proposition to endeavour to animate the people to support that proposition Mr. Pitt had brought forward.

Q. Was the proposition carried or negatived?

A. Carried unanimously, I believe.

Q. You believe it was carried unanimously?

A. I believe it was carried unanimously.

Q. You think, to the best of your recollection, Mr. Horne Tooke was at that meeting?

A. I think he was, I cannot recollect to a certainty.

Q. Had you an opportunity of seeing Mr. Tooke in private meetings?

A. I never was with Mr. Tooke at any private meetings.

Q. Then you had not any discourse with him upon that subject?

A. No.

Cross-Examined by Mr. ATTORNEY GENERAL.

Q. I understand you to say, this was in 1785—am I correct in that?

A. You are.

Q. Am I to understand you to say, in 1782 or 1785, or both, or one, or other of the times, the object was to animate the people to petition parliament?

A. That was the object of the meeting in 1782.

Q. And the last transactions you have spoken to was in the year 1785?

A. They were.

Q. Were those propositions you were speaking of, reduced into writing?

A. They were.

Q. All that you mean to depose is to transactions prior to the year 1785?

A. Yes.

Q. You

Q. You, perhaps, have got the original books from which those proceedings were read?

A. Sir, I have the original books of several deputed meetings.

Q. I understand the last transaction you spoke of was in the year 1782?

A. Certainly.

Mr. MACNAMARA, fworn.—Examined by Mr. GIBBS.

Q. Do you remember attending the Constitutional Club, in the year 1788, at the time of the King's illness?

A. I do recollect attending the club at that time?

Q. What club was that?

A. It was a club, if I recollect rightly, and understand the idea of the club properly, established to secure the freedom of election for the city of Westminster, and the interest of the candidate that I took the lead in supporting that year.

Q. Who was the candidate?

A. Lord Hood.

Q. In what year was that?

A. I believe it was in the year 1788, if I recollect.

Q. Do you know Willis's Rooms?

A. I fancy that was the place where the club met, the room not being sufficiently large for them to meet; the rooms of Willis's and the Thatched House Tavern, were appropriated to the purpose.

Q. When was it instituted?

A. I fancy after the election of Lord John Townshend, that opposed the re-election of Lord Hood, about the month of June, 1788.

Q. It was in that year, I believe, Sir, that his present Majesty was afflicted with the illness he had?

A. It was in that year, I think, the King was afflicted with illness.

Q. Do you recollect any resolutions proposed by Mr. Tooke in that club?

A. I believe there were resolutions proposed by Mr. Tooke, but I cannot recollect the purport of them.

Q. Do you recollect any resolution of this sort, that it was the opinion of the Whigs, in 1788, that the happiness of these people was best provided for ———

Mr. Attorney General. If you will tell me you have any body that will prove that, in a regular way, I have not the least objection to your proving it now.

Mr. Gibbs. I did not know that I had that, but I have the newspaper of that day, in which those resolutions are published,

I understand you to object, because you supposed I might be leading the witness.

Mr. *Attorney General*. I wish again to tell you, I have no suspicion you are leading the witness. You will allow that I produced the *Argus* and other papers, but they were objected to, and upon what ground it is I cannot see.

Mr. *Macnamara*. I took no memorandums; I recollect there were resolutions proposed, but I have not an accurate recollection of them.

Q. Can you recollect the substance?

A. I can recollect there were motions, but the substance of them were perfectly constitutional, perfectly legal, and such resolutions, as I should expect to be proposed by a complete well-wisher to the King and government of this kingdom.

Q. Were the resolutions carried, such as they were, that Mr. Tooke proposed?

A. I believe I was deputed to take care of a number of convivial friends that set round me; and, I believe, from the heat and noise of the room, I was out of the room when the questions were put. I don't know whether they were carried or rejected.

Q. Did you hear what the resolutions were?

A. I cannot take upon myself to say that I did or did not.

Q. Did you hear any resolutions read in that room?

A. I heard Mr. Tooke propose resolutions, the substance was, as far as I can recollect, as I have explained.

Q. In the first place—Was there any thing in those resolutions that went to effect the King or Parliament?

A. As perfectly as I can recollect the reverse. The effect of those resolutions was the direct contrary of what I put. It is in my perfect recollection, and I was possessed of the idea, that the resolutions proposed by Mr. Tooke, were perfectly legal and constitutional.

Mr. *Tooke*. (to Mr. *Macnamara*.) I beg you to try to recollect whether that constitutional club was distinguished by any uniform or not?

A. The constitutional club was distinguished by an uniform of a blue coat and orange cape, and the King and Constitution upon the button in impressed characters.

Q. Do you recollect whether I was a member of that club?

A. I perfectly recollect you were not only a member, but, to the best of my recollection, you were the original founder of that club.

Q. Do you recollect Mr. Rose of that club?

A. Mr. Rose wore the uniform.

Q. Was Mr. Steele of that club?

A. Yes; to the best of my recollection.

Q. Was

Q. Was Mr. Pitt of that club and wore the uniform?

A. Yes.

Q. Mr. Dundas?

A. I am not clear.

Q. Did Lord Frederick Campbell?

A. I am not sure, I was not near him.

Q. Do you remember the present Speaker, Mr. Addington, wearing it?

A. I believe he did, I am not positive.

Q. Do you remember Mr. Fielding, the counsel, wearing that uniform?

A. Mr. Fielding, I think, did wear that uniform, to the best of my recollection.

Q. Do you recollect the Speaker of the House of Commons being speaker there? Do you recollect any speech he made?

A. He may have spoken there, but, as I said before, I wished to take care of those I was deputed to take care of, for particular views, and I did not attend so much to what they had done.

Q. I was going to ask what the numbers were, you might suppose them more than they were perhaps—Were there 1000, 600, or 1200?

A. Upon my word I cannot say, there seemed, to me, a very great number; not being prepared to speak to questions of that sort, I cannot answer to it; I believe above 1200 in all the rooms; I fancy there were more than one room appropriated to the meeting.

Q. You have known a little of me, I only ask you, in the course of your knowledge of me, whether you ever heard me say any thing, or declared any thing against the King, Lords, or Constitution of this country?

A. My first acquaintance originated about that time, and from the very great zeal that he manifested, and the assistance he gave to the friends of the candidates I supported upon a re-election in the city of Westminster, I got into the habits of intimacy with him, and in consequence of that I had many opportunities of hearing his sentiments at that period; and, again, at a much more awful period, the time of the King's illness, at the proposal of a regency, and I take upon myself to swear, I never met any public or private character that, I conceive, understood the constitution of the country better than the prisoner at the bar; I take upon myself to swear, that, I believe, no man ever wished better to the constitution and government of this country, consisting of King, Lords, and Commons, than I have known the prisoner at the bar to have done.

Cross-

Cross-Examined by Mr. ATTORNEY GENERAL.

Q You have been speaking, Mr. Macnamara, of transactions from 1788?

A I have, Sir.

Q And I believe to transactions of the year 1789?

A You will pardon me—all the transactions of the regency happened in 1789. I speak to the mere knowledge of the prisoner at that period.

Q You are speaking according to your knowledge and belief?

A I am speaking according to my knowledge and belief.

Q I believe you have been principally abroad since 1788 and 1789?

A I went abroad in October, 1789.

Q Of course you don't mean to speak to transactions since 1789, nor any inference that arises to your belief respecting the character, public, or otherwise, of the prisoner at the bar; you don't speak of that?

A Most undoubtedly, I cannot speak to a transaction I neither know nor heard of; very often there happened occurrences in London I could not receive accounts of in Rome, or elsewhere, where I have been abroad.

Q You have been abroad a good deal, Sir, since the year 1789?

A From the month of October, 1789, until the middle of last June, when I came to town.

Q During your stay abroad you was at Paris?

A I was at Paris in the latter end of October, or beginning of November, 1789.

Q But not since?

A Yes; I went intending to go to Italy to the South of France; I went as far as Tours, in France, upon my journey, but feeling the melancholy situation of the country, and Mrs. Macnamara not wishing to go without her children, and feeling more for them than myself, I went through Paris.

Q I want to know whether you knew the fact of addresses having been carried to the National Convention of France, in the latter end of the year 1792, from people in this country, and what passed upon it, the effect of them?

A Sir, for ten months before the 3d of August, 1792, I was in Paris; that was the second time of my being there, and I left Paris before the 3d of August.

Q Do you know any thing that passed in Paris, in 1792, respecting addresses of societies or bodies of men in England to the national convention?

A I do

A. I do not; I went from Dijon into Switzerland, and from thence to Italy.

Q. Then I understand you to speak to the character of the gentleman at the bar before 1789, but not since?

A. You are perfectly accurate, but give me leave to add a little more—during my acquaintance with the prisoner at the bar I had opportunities of frequent conversation with him, and I never did receive so much information, nor did I ever know any man that seemed to be more loyal, nor would have sooner sacrificed himself for the maintenance of the constitution and government, but still always with a determination of gaining a reform of the Commons House of Parliament.

Q. As you are to my knowledge a very honourable man, and considerable testimony to the prisoner at the bar, do you mean to say you collect that knowledge from any one fact since 1789?

A. Most certainly not.

Mr. Horne Tooke. Since we talk of Paris so much, perhaps you may know something of it before the revolution—Have you any reason to believe that before the revolution many more thousands of the poor people of France died from putrid diseases, for want of wholesome diet, and whether that did not kill more of the French than all that has happened since the revolution?

A. I can take upon myself to give an opinion, but not with certainty.

Q. Do you know that many thousands were broke alive upon the wheel, and put to death with the most severe torture?

A. There were executions that shocked every body, perhaps of some that deserved it, but I never thought the people remarkably famous for good behaviour and conduct.

Mr. Attorney General. Are you speaking of those barbarities after the revolution of 1791?

A. I speak to barbarities from my own knowledge from the latter end of October, 1789, on my second return to France, ten months before the month of August, 1792, it was shocking to humanity.

Mr. FIELDING sworn—Examined by Mr. ERSKINE.

Q. I believe, Sir, you was a member of this club that my client at the bar here was a member of?

A. I don't know whether I may call myself a member of the club; the reason of my being in that assembly was, as I had the honour of being Counsel for Lord Hood, whose interest was taken into consideration in that club, I took the liberty of going there, though I was no elector of Westminster.

Q. I

Q. I take it for granted, from what I know of your honourable temper and nature, you would not have gone as Lord Hood's Counsel, if your own opinion had not gone with it?

A. I would have attended and carried through their purposes with the fullest approbation of my heart.

Q. I have seen you in the uniform?

Lord President. Do you mean that uniform his'gown?

Mr. Erskine. No, my Lord.

Lord President. Do you mean the blue and orange?

Mr. Erskine. Yes, my Lord.

Q. Do you remember seeing the prisoner at the bar there?

A. Several times—Mr. Horne Tooke, during the election for Lord Hood, had been frequently of those parties, we, as Counsel, were necessarily called to, and that was the first opportunity I ever had of acquaintance with Mr. Horne Tooke, finding him there, I frequently recognized him.

Q. The example has been set with respect to the ceremonies with which unanimity was expressed—Do you recollect any signs by which they signified their unanimity—do you remember their holding hand in hand?

Lord President. I object to that question.

Mr. Horne Tooke. I beg to ask him whether he did not unite and persuade me, with 1,000 or 1,200 other men, to get up in the room, and hold hand in hand each man, and to declare to stand and fall together?

Lord President. All it amounts to is, that at that meeting you did then propose some resolutions of loyalty to the King, and attachment.

Mr. Fielding. I can have no objection to answer the question Mr. Tooke puts to me, and I rather think in a good natured and flattering way to me, I did; finding myself there, and after the speeches of several other gentlemen, I attempted a speech myself, and I endeavoured to exhort the gentlemen then present to resist what I deemed then, and do now, the abuses practised in the Westminster election on the other side, and I wished to bind them in the most hearty manner to immediate acts; and they so far honoured my feeble efforts, after my address to them, that every man in the room, to the amount of 1,200, or more, joined hand and hand, which I took as a mark expressive to me of their resolutions.

Mr. Horne Tooke. I beg Mr. Fielding to say whether he imagined any person of those 1,200 that did so rise and so hold each other's hand, and declared such unanimity to stand or fall together, whether he thought any thing treasonable?

Lord President. It is not a proper question.

Mr. Horne Tooke. I beg to ask whether he ever saw the original bond by which the club is bound?

A. I

A. I believe I never did—I believe my name will not be found.

Q. I ask whether you were present on the 5th of November 1788, at the making that constitutional book?

A. Upon my word I don't recollect.

Q. Do you remember being there when any letter was read at that society, from the Constitutional Society or the Whig Club?

A. I do not.

Q. Do you remember Mr. Beaufoy being present?

A. That brings it to my memory—I believe you made a speech, I cannot charge my memory with it.

Q. Do you remember any thing of a conversation about the Whig Club?

A. I think there was a conversation about our taking into consideration the act of the Whig Club.

Lord President. You will be heard with the utmost attention when you confine yourself to real evidence; the only thing that can be evidence is, that of expressions of loyalty, and of proposed resolutions expressive of attachment to the constitution of King, Lords, and Commons—as to a club of this kind, it is utterly foreign to the enquiry, and not fit for the consideration of a Court of Justice.

Mr. Horne Tooke. I did it to assist the memory of Mr. Fielding—I have succeeded so far as to bring him to what resolutions were made; I had no other reason for it but his saying he had forgot them.—Since Mr. Fielding does recollect ———

Mr. Fielding. Pardon me for correcting you—I don't recollect that what you said there had the force and appearance of a resolution; I can only recollect that you made some resolution and made a speech, what it was I have not a recollection of, or whether you moved any thing specific as a resolution, I do not recollect.

Mr. Horne Tooke. I wish to save the time of the Court as far as possible.

Mr. Fielding. I cannot charge my memory with more.

Cross-examined by Mr. ATTORNEY GENERAL.

Q. You have been asked with respect to the Westminster election of my Lord Hood, in 1780?

Mr. Fielding. I have heard the evidence of this cause, and I know nothing of the particulars of these transactions from the year 1790, downwards—I do not.

Mr. Horne Tooke. I was only alluding to what Mr. Attorney General said across the table, when I was examining to one

period, the Attorney General says, it is to another point; it insinuates, I may be an honest man in 1788, and not in 1789.

Lord President. We take it as far as the evidence goes—it shews in the year 1788 you expressed yourself upon a public occasion, loyal to the King and your attachment to the constitution of the country; there is the evidence, and the rest may be observed upon if you and Mr. Attorney General think proper.

Mr. Attorney General. If Mr. Fielding had told me he did know of any transactions after 1791, I should have asked him about those transactions.

LORD FREDERICK CAMPBELL sworn.

Mr. Horne Tooke. My Lord, I am sorry to be obliged to call you at all—the misrecollection of other witnesses obliges me to have recourse to your's—I believe I had the honour to dine with you at Willis's Room, in 1788?

A. Yes.

Q. At the Constitutional Club?

A. At the Constitutional Club.

Q. With blue and orange?

A. Most certainly.

Q. I believe your Lordship recollects I moved some resolutions there?

A. I am confident you did move some, but I cannot tell which; if you will put me in mind, I may recollect it.

Q. I may assist your Lordship's recollection that they passed with exceeding satisfaction?

A. Upon my word I do not recollect it.

Q. Does your Lordship recollect my health being drank?

A. No.

Q. Does your Lordship recollect your being displeased with me after my making them?

A. Yes; that I do recollect.

Q. Does your Lordship recollect speaking a little sharply to me?

A. Yes.

Q. And that I spoke very softly to you in return—there was a noble Lord there, Lord Camden, who stood as close to you then as he does now—I think Lord Camden set next to you then as he stands by you now.

A. I don't recollect.

Q. Do you recollect any letters from the Whig Club?

A. I remember some from the Whig Club.

Q. Does your Lordship recollect my laughing heartily at what

what was said upon them—I should be glad to have the opportunity of laughing again—perhaps this may bring it to your mind?

A. It may.

Q. Either in those words or to this effect—“That we heartily concur with the opinion of our ancestors, and view, with equal distrust and disapprobation, whoever may attempt and whatever may tend —.” This is wrongly written.—“That it was the opinion of the Whigs of that day, (1688) that the happiness of this nation was best provided for and secured by a mixed government of King, Lords, and Commons?”

A. I have not the smallest recollection of it.

Q. Then I will not trouble your Lordship further—I am sorry I troubled your Lordship with so many questions.

Mr. Attorney General. I shall give you no trouble, my Lord.

EARL CAMDEN sworn—Examined by
Mr. HORNE TOOKE.

Q. I am very sorry my Lord to trouble you, but you see I am driven from one recollection to another, at last I hope to a good one—your Lordship was present on the 5th of November, 1788, at the Constitutional Club?

A. I was.

Q. In the uniform of the club?

A. I don't recollect the dress exactly.

Q. I believe your Lordship sat near Lord Frederick Campbell, who sat near Lord Hood, the chairman?

A. I did.

Q. I dare say your Lordship recollects the letter sent by the Whig Club and Revolutionary Society?

A. Yes.

Q. Your Lordship recollects Mr. Beaufoy speaking?

A. I recollect Mr. Beaufoy speaking.

Q. Do you recollect my proposition and resolutions?

A. Yes.

Q. Does your Lordship recollect they were carried?

A. I cannot say I do.

Q. Does your Lordship recollect his Lordship objected to not having been informed of the resolutions I meant to propose?

A. I recollect his Lordship objected, not being informed of the resolutions you meant to propose.

Q. Does your Lordship remember the substance of those resolutions?

A. No; I really cannot recollect.

Q. Does your Lordship recollect my saying any thing offensive upon the score of disloyalty?

A. I cannot say.

Q. Do you think not?

A. I think not.

Q. Does your Lordship recollect a toast that was given for the King's speedy recovery then?

A. I think there was that toast.

Lord President. Who gave the toast—did you give it yourself?

Mr. Tooke. No; it was given generally in the company.

Lord President. (*To Lord Camden*) Do you recollect in general what they attended to—were they expressive of loyalty to the King?

A. I am certain they expressed nothing contrary to the King—I remember that perfectly.

Q. You remember this was the 5th of November?

A. The 4th or 5th.

Q. Does your Lordship remember a resolution speaking of a mixed and well-balanced government of King, Lords, and Commons?

A. I think it is very likely there was something of that sort—the terms of the resolutions, I rather believe, were of that sort.

Q. “That we heartily concur with the opinions of our ancestors, and view with equal disgust and disaffection whatever may tend to destroy the balance, and usurp the constitution, or prerogative of either branch of the constitution?”

A. I recollect resolutions of that sort were proposed—I used to meet Mr. Tooke at the time of the Westminster election.

Mr. Tooke. On that day—it is the only day, and the only resolutions that club ever came to—the Constitutional Club?

A. Yes;—I beg pardon for interrupting you, I think there were resolutions to the effect of that you read moved, but I don't recollect whether it was at the period to which you allude.

Mr. Tooke. That is enough; I am unwilling to waste time, and give trouble—but my Lord, there never were in that Constitutional Club resolutions but once, and never but by me; that club is not removed, and it may happen, by being a member of that club to which I belong, the consequences may all fall upon your Lordship, who stands there a member of that club also.

Q. Have you had any intercourse with Mr. Tooke since the year 1788?

A. None whatever.

Q. Is

Q. Is the Constitutional Club dissolved at this moment?

A. I am not aware that it has been.

Q. Then it is open now, and your Lordship belongs to it as well as me?

Cross-Examined by Mr. ATTORNEY GENERAL.

Q. Has your Lordship had conversation with Mr. Tooke since 1788?

A. I don't recollect that I have had any conversation with him since that time.

Mr. BEAUFOY sworn—Examined by Mr. HORNE TOOKE.

Q. I believe you was a member of the Constitutional Club held at Willis's room?

A. I remember being at a meeting at Willis's.

Q. At a Constitutional Club?

A. I did not know it was a Constitutional Club—I understood it to be a meeting chiefly of the friends of Lord Hood; but that it was a Constitutional Club, I don't recollect.

Q. Did not you wear a button upon a blue coat with something impressed on it?

A. I don't remember any particular dress;—I had a blue coat.

Q. With an orange cape?

A. No.

Q. Did you never wear it?

A. No, never.

Mr. Tooke. I am worse off than ever—Mr. Beaufoy does not recollect.

Q. (To Lord Camden.) I beg to ask, whether upon that constitutional button the words were not written round it, "The King and Constitution?"

A. They were.

Mr. Beaufoy. I remember persons wearing an orange-coloured cape, but I neither wore the button nor the cape.

Mr. Tooke. I am older than Mr. Beaufoy, but I find my memory is better.—Does Mr. Beaufoy remember dining on the 5th of November, 1788, when Lord Hood was in the chair?

A. I remember dining in the year 1788, and I believe Lord Hood was in the chair, at Willis's.

Q. Do you recollect addressing the meeting on the subject of the revolution?

A. I do not recollect perfectly—I recollect addressing the meeting on the subject of the revolution, and the impression upon my mind, speaking of this constitution, believing it to be perfected

perfected at the time of the revolution, and that the happiness of the people, under the present family, must be in a great measure owing to that revolution; and I think, I did upon that point address the meeting.

Q. This might be your thoughts, but your words were of a different kind—Have not you considered yourself as a leader of Dissenters, in some part of your life?

A. I never had the vanity to do so—I thought them entitled to some civil rights, and I certainly did move the repeal of the corporation and test acts.

Q. If you will be so kind to keep your recollection to those subjects I am speaking of, I shall be obliged to you—Do you remember being applied to by the Constitutional Society, for carrying a bill into Parliament for the purpose of commemorating the day the bill of rights passed; this was the business, I believe, that yourself on that day brought forward—a proposal for that society to join with you, and the Constitutional Club to concur with the Revolutionary Society—a message brought by yourself for the motion to Parliament to make an Act of Parliament, for the purpose of the commemoration of the day the bill of rights passed?

A. I perfectly recollect being applied to by the Revolutionary Society, and acceding to it, that I should bring into Parliament a bill for the anniversary of that very subject.

Q. Do you recollect addressing the meeting upon that subject?

A. I recollect addressing the meeting upon that subject.

Q. Perhaps you recollect my writing some resolutions upon that occasion, and your carrying them to Lord Hood, and repeating them.—Did not you know it was in consequence of the approbation of Lord Hood that I drew them up?

A. I remember certain resolutions being communicated by Mr. Tooke, but what they were, I don't know.

Q. Your recollection is like a certain species of insanity, touch a certain string and you bring it all out—perhaps if I speak a word or two, your recollection will return:—Can you recollect a resolution to this effect,—“That it was the revolution in 1688 that secured our liberties, by a mixture in the government of King, Lords, and Commons?”

A. It is extremely difficult for me to say that was the resolution, but speaking from very imperfect remembrance, I should rather be inclined to think a resolution to that effect was proposed by Mr. Tooke.

Q. Do you recollect this resolution,—“That we heartily concur with the opinion of our ancestors, and view with equal distrust and disapprobation, whoever may attempt, and
whatever

whatever may tend to destroy that balance so fixed at their evolution, and to usurp upon the rights and privileges of either branch of the constitution?"

A. Speaking from the present impression of my mind, a resolution similar to that perhaps passed—that very resolution was moved by Mr. Tooke.

Q. "That it is the duty of every true friend to his country, &c."

[*Here Mr. Tooke repeated the resolution which appears in the former part of his defence.*]

A. The same answer that I gave before applies to this, speaking of the present impression of my mind, which is but still imperfect.

Mr. Horne Tooke. It would be very wrong to strain your recollection any further.

Cross-examination by Mr. ATTORNEY GENERAL.

Q. This was in 1788?

A. In November, 1788, during the contest for Westminster.

Q. Had you any other acquaintance with Mr. Tooke?

A. My acquaintance with Mr. Horne Tooke commenced during the contest for Westminster; on the part of Lord Hood he was a warm friend, and I remember, upon other occasions I have seen him; the one was accidentally meeting in the street, when nothing more passed but asking him how he did; and the other, seeing him at the time he was a petitioner against Mr. Fox, before the House of Commons.

Q. And you know nothing of Mr. Tooke but at those times?

Mr. Tooke. This gentleman's recollection requires so much filliping, I must just beg leave to awake it once more.—You don't recollect but those two times?

A. Not as I know of—I do not recollect.

Q. But you will in the next moment; I will help you—Was there never a time when you was unhappy, because after all your money was spent in the services of Mr. Pitt, he would not return your bow—I don't solicit the acquaintance of Mr. Beaufoy, I don't want him to my character at all, I suppose I did not want any body to my character at sixty years of age, I brought that forward because Mr. Beaufoy should not be afraid or ashamed of being acquainted with me.

Lord President. You have no right to make that sort of observation.

Mr. Beaufoy. I have no sort of objection.

Lord President. You are wrong to mix those observations with

with your questions—You may ask Mr. Beaufoy to as much as you please, but not go into these observations.

Mr. Tooke. This is not intended as an observation, but a circumstance absolutely necessary.

Lord President. Then ask the question that will bring that back.

Mr. Beaufoy. Will your Lordship permit me to answer the question?

Mr. Tooke. My question you must answer—but you will stop for me, that nothing unpleasant may happen.

Mr. Attorney General. I call upon your Lordship for the protection of the witness—he has no right to put a question with an observation that bears hard upon the character of a person to whom he means to put this question.

Lord President. I have frequently checked the question.

Mr. Tooke. Mr. Attorney General is so kind to protect my witness, I will protect him too, and therefore I will quit him.

Mr. Attorney General. I will not be worried out with the repetition of what I complain of; the observation made upon what I stated I must have repressed.

Mr. Beaufoy. Mr. Tooke says there was a time when I was unhappy, because Mr. Pitt refused to return my bow—I beg leave to say, I have no recollection of having complained of it, and that Mr. Pitt not returning my bow, did not give me the smallest uneasiness.

Mr. Tooke. You applied for my interest, but I had none.

Mr. Beaufoy. There is no circumstance so foreign to the purpose as what Mr. Tooke now says.

Mr. Tooke. Then he has forgot—I will venture to answer for it, Mr. Beaufoy will not, upon his oath, answer my question in the negative.—I will venture a wager.

Lord President. A wager!—You have a right to ask Mr. Beaufoy whether he will say positively or not.

Mr. Tooke. I have done—I suppose I have forgot myself;—I did not charge him with swearing contrary to what he recollects—I have done.

Mr. THOMAS SIMMONDS sworn—Examined by

Mr. ERSKINE.

Q. What is your profession, Mr. Simmond's?

A. A student in the law.

Q. For the bar, I apprehend?

A. Yes.

Q. Of which of the Inns of Court are you?

A. Of the Inner Temple.

Q. Are you a member, or have you at any time been a member of the Constitutional Society?

A. Sometime;

A. Sometime; two or three years.

Q. Are you still a member?

A. Yes.

Q. Are you acquainted with the prisoner at the bar?

A. I am, thoroughly.

Q. Are you acquainted with him in private life as well as meeting him in public?

A. I have been several times in his company at his own house, and other places.

Q. Was your attendance seldom or frequent?

A. Tolerably; sometimes I attended frequently, and at other times I omitted for two or three months.

Q. Have you attended sufficiently frequent to be acquainted with the object of the society?

A. Perfectly so.

Q. What were the objects of the society?

A. A parliamentary reform.

Q. We have had so much discussion upon it, I wish to ask you what you mean by the word 'reform'?

A. Reforming the House of Commons; and, I believe, it was always considered as the only object of the meeting.

Q. Of what number did the society consist?

A. I don't know the number, but the average about 14 or 1500.

Q. From any thing transacted in that society, while you was a member, have you any reason to know, or believe, the original object was departed from and another substituted in its stead?

A. Never; every act that they did, considering the circumstances under which the act was done, always appeared to tend, and to tend solely to that object.

Q. Did you ever hear any proposition, or discourse, started in it by any man, that led you to suppose or suspect even that the society had changed its object?

A. Never.

Q. Would you have remained in such society under such impression?

A. Certainly not; it would be contrary to every man's interest?

Q. Have you seen the prisoner at the bar frequently at the meetings of that society?

A. Frequently.

Q. Have you known what his expressions were, and what his objects were?

A. Every expression went in favour of reformation of parliament; his opinion was always for the ancient hereditary aristocracy of the country.

Q. Did it appear they were the objects of the rest of the society to which they were addressed?

A. Undoubtedly so.

Q. Was you a member of the society at the time of the convention that was held at Edinburgh?

A. I was then a member, I did not attend, I believe, when the business first came on, I was confined with ill-health, but, I believe, I had an opportunity within a week after.

Q. Upon what ground did you disapprove of the convention at Edinburgh?

A. In the first place, I did not know the characters of those persons who were there, the delegates; I thought it might be mistaken by the public.

Q. From what you know of the professed objects of this convention at Edinburgh, had you any reason to believe it to be criminal?

A. Not in the least.

Q. Was any thing said in that assembly that made you form the conception of a parliament in Scotland to subvert the government?

A. No.

Q. Do you remember any proposition made by the Corresponding Society to the Constitutional Society to co-operate with them, and the members of their society, to confer with yours for the purpose of holding another convention?

A. I do; I think I was in the chair at that time, or within a week after.

Q. To the best of my recollection I saw you in court last night—Did you hear read that letter that was sent by the Corresponding Society, which they desired to be entered upon their minutes, in which they agree to appoint members to meet their bodies?

A. Yes; I do.

Q. You was in the chair that night?

A. I was either in the chair that night, or the night after, when the delegates came.

Q. Now when this proposition was made and acceded to by the Constitutional Society, what was understood, as far as the understanding was expressed by those present, who adopted it, or who rejected it—What was supposed to be its object?

A. By producing general concurrence in favour of a parliamentary reform, to obtain their object ultimately.

Q. Was that the object of the Constitutional Society and the members of it?

A. Entirely.

Q. I ask you upon your oath, if there was any thing said by any

any man that did accept that correspondence with the Constitutional Society, that signified the contrary?

A. Not a syllable.

Lord President. Was there any debate upon it?

A. There was some debate, but I don't remember any particular upon it.

Q. Do you remember any proposal to accept the propositions of the Corresponding Society, and what was the effect of it?

A. I don't recollect, only it tended to a parliamentary reform.

Q. If this proposition had been to set on foot a conspiracy for the detestable object stated in the indictment, must you not have collected that fact?

A. Most undoubtedly.

Q. Did you collect it?

A. No; I had no suspicion that any body else would suspect it.

Q. Now, Sir, since you had the opportunity of seeing different members of the society, have you any reason now, upon your oath, to believe any such thing was in contemplation?

A. Not the slightest; I am perfectly sure of the contrary.

Q. Was you present at any subsequent meeting after the appointment of the committee when the report was made?

A. I was.

Q. If I understand you, the committees of the two societies brought their resolutions upon the 11th of April, before the Constitutional Society for their approbation?

A. Yes; and I was there when the resolutions were made a week before.

Q. Do you recollect this resolution of the committee, "It appears to this committee very desirable that a general meeting of the Friends of Liberty should be called for the purpose of taking into consideration the proper methods of obtaining a full and fair representation of the people in parliament."

A. I was there then.

Q. Now, if there had been a departure from it, must you not have collected it from the people talking of it?

A. I must.

Q. I find a distinction, in point of phrase, between the resolutions of the committee and the society at large that adopted them, "Resolved, That it appears to this society very desirable that a general convention of the Friends of Liberty should be called, for the purpose of taking into consideration the proper methods of obtaining a full and fair representation of the people." Do you remember what debate caused this new modification?

A. I do recollect there was some debate about the word

‘convention,’ and I believe I was the first to oppose it, because the public might think we had some other object in view than a parliamentary reform; therefore, I opposed it, and made a very few observations, and was followed by several others.

Q. Then had you the least idea in your own mind, there was a conspiracy on foot?

A. Not in the smallest.

Q. Have you now?

A. No; never had.

Q. It was *bona fide*?

A. Yes.

Q. How was that *bona fide* mode by you received?

A. There was some little discussion about the two words, ‘meeting and convention,’ there being no material difference in the words, but I thought the use of the word ‘convention,’ might mislead the people, and, therefore, it was omitted.

Q. I observe they make use of this expression, ‘a full and fair representation of the people;’ from the experience of all and every member of that society, from the beginning of it to the end—What was the meaning of the expression—‘a full and fair representation?’

A. I believe our society were not for going so far as others—some were for universal representation—I was not; and many the other way.

Q. What way was Mr. Horne Tooke?

A. Fifty times have I heard him when talking with his friends, reprobate the idea of universal suffrage.

Q. Did you ever hear him in debate make any proposition that touched the authority of the King?

A. Never.

Q. Did you ever hear any proposition made shewing a disposition to touch the hereditary authority of the House of Lords?

A. Undoubtedly not; I said they were all concerned, merely in obtaining a parliamentary reform in the House of Commons.

Q. Was it ever proposed, to accomplish the objects of your society, by any means not legal and constitutional, in your contemplation?

A. Never.

Q. Do you think a conspiracy could have been on foot to accomplish the views of your society by force, or have you heard of it?

A. Never.

Q. Had you any discourse about using arms for the purpose?

A. Never.

Q. Did you hear others propose arms?

A. Never; by no means; no such observations ever passed.

Q. I see

Q. I see this resolution, come to on the 11th of April, the society made several adjournments, "That the committee of correspondence, already appointed by this society, be the committee for co-operation and communication with the committees of other societies."

A. I don't know any thing of the meeting of those committees.

Q. Have you any reason to know or believe these five persons that were deputed to meet those deputed by the Corresponding Society, changed their opinions?

A. Undoubtedly not.

Q. Mr. Tooke was, I believe, proposed to be a member of this committee of correspondence?

A. I am really not certain from reading that.

Q. You have told us what the objects of the society were in deputing these gentlemen; and you have no reason for supposing they departed from the same objects—Do you know the committee consisted of Joyce, Sharpe, Bonney, Pearson and Mr. Wardle?

A. I do.

Q. Now, we will go by steps—Was you acquainted with Joyce previous to the time and up to the very day and hour he was appointed to confer with the other society?

A. Very well.

Q. Do you know whether the objects he had publicly professed, were the objects of a person inimical to the constitution?

A. I frequently had conversations with Mr. Joyce, and found his opinions quite moderate, opposed to the opinions others had. I am speaking to the last moment I saw him.

Q. Do you know Mr. Sharpe, the celebrated engraver?

A. Yes I do.

Q. Was he a constant attendant upon this society?

A. Pretty well.

Q. Now, have you been present at the dinners of the societies with Mr. Sharpe, or dinners when the public objects of the society were talked of?

A. Very frequently we dined at the Crown and Anchor, where that society met, and I was often there.

Q. Did you think his opinion different from yours?

A. Certainly not.

Q. Now, we will go to Mr. Bonney—Had you seen Mr. Bonney several times there?

A. I have seen him several times.

Q. Did you know a more moderate man, or a man more peaceable than Mr. Bonney?

A. I never knew a more peaceable, moderate man in my life; he is peculiarly so.

Q. Had

Q. Had Mr. Bonney the character in the society of being a man devoted to the English constitution in its forms?

A. He had the character of a very peaceable, moderate man, and a very loyal subject.

Q. Have you seen him at the society?

A. I have frequently.

Q. Have you any reason to believe he meant to subvert the government?

A. None at all.

Q. Do you know Mr. Wardle?

A. I never saw him above two or three times.

Q. I have got you to this—the Constitutional Society's objects were to a reform in parliament?

A. Yes.

Q. Up to the 11th of April, 1794, they pursued those objects?

Mr. *Solicitor General*. This is repetition of evidence.

Mr. *Erskine*. If any conspiracy existed among those persons, when they thus conferred together, should you have known it?

A. Undoubtedly; I must have known it.

Q. From their characters, do you believe them capable of such a conspiracy?

A. I never could conceive that opinion for a moment.

Cross-Examination by Mr. ATTORNEY GENERAL.

Q. Now, Mr. Simmonds, you was chosen a member of this society, as far as appears in the book, on the 1st of June, 1792?

A. I don't know exactly.

Q. You were either proposed or seconded by Mr. Joyce?

A. I believe I was; not being in the society then, I have but a faint recollection of it.

Q. Then knowing Mr. Joyce, did you ever hear of his being present when the address from the Constitutional Society to the National Convention of France, was ordered to be presented by Mr. Frost and Mr. Barlow?

A. I never heard of it.

Q. Do you deny that Joyce was present when they proposed it?

A. I cannot recollect it.

Q. You know very little of Mr. Wardle?

A. Very little.

Q. Do you know where he is?

A. No.

Q. Mr. Sharpe you know very well?

A. Mr. Sharpe I know very well.

Q. You was not present when that gentleman came and left his name as citizen Sharpe?

A. No.

A. No.

Q. Mr. Bonney you know very intimately?

A. Yes.

Q. Did you ever see a drawing of the road to Hell, by Hanover?

A. I never heard of it until this moment.

Q. You came into the society in June, 1792?

A. I have no doubt of it.

Q. You know there was such a society as the London Corresponding Society?

A. Yes.

Q. Do you know Hardy?

A. I do not.

Q. Have you dined in company with him lately?

A. No; I never knew him only by having seen him here.

Q. Do you know he is an associated member of the Constitutional Society?

A. I believe he is, but I don't know it in fact.

Q. Don't you know that in July, 1792, Mr. Hardy, and six other members of the Corresponding Society, were associated members of your Constitutional Society?

A. I know some persons were associated members, but I don't know their names.

Q. Did you know, six weeks ago, the books of the London Corresponding Society, which were entered in the books of the Constitutional Society, had drafts of letters, signed T. Hardy, Secretary, wrote by the prisoner at the bar?

A. I do not.

Q. Do you know of a letter sent to the Constitutional Society, to desire twelve of their members might be sent, in the hand-writing of the gentleman at the bar?

A. To the first part of it I know some persons in the country —

Q. I don't mean to offend you; but I ask you this question—You know there were country societies associated with you?

A. I know there was a country society, and some persons were proposed —

Q. I am now asking about Sheffield?

A. I know nothing of Sheffield.

Q. Do you know any thing respecting the association of the Sheffield people, or the Norwich people?

A. No.

Q. Or of the Southwark people, at the Three Tuns?

A. My mind is confused about the Sheffield Society, or Norwich people—I remember some country societies.

Q. Upon the 16th of April, 1793, perhaps, you know that
your

your society wrote a letter to the Norwich societies, telling them there was nothing to be expected from the King, or from parliament, and the only remedy the people could have, would be a convention of delegates?

A. I certainly know something of that.

Q. Then I beg to ask you—Do you know whose handwriting that draft is? (*Shewing him a paper.*)

A. No; I do not; I never saw this paper before.

Q. Did you ever see the letter that went to Norwich about this convention?

A. Never to my knowledge.

Q. I ask you then if you had seen a letter from this society, and don't answer the question, if you think it is improper—if you had seen a letter from this society, stating, there was no remedy from the King or Parliament, but only from a convention, such as I have described to you—Would you have remained in that society?

A. If they wished to set aside the authority of the King or the authority of the Parliament, I should not; but if I thought the parliament likely to be influenced by the voice of the people being carried that way to parliament, I certainly should have adopted it.

Q. If the letter sent on the 16th April, 1793, to your knowledge, meant more than that you would not have consented to it?

A. Undoubtedly I should not have consented to it.

Q. You was a member of the society as early as June, 1792, have you heard of a letter from the Corresponding Society to the National Convention of France?

A. Yes; I have heard more of it here than any where else.

Q. That address was sent to the National Convention in 1792—When that was sent, did you know your society had any thing to do with it?

A. I cannot remember any thing of it, as I was confined with illness at that time.

Q. Did you know if Mr. Hardy sent to Mr. Tooke to desire his advice about a letter to the National Convention of France?

A. Nothing of that kind.

Q. Did you know that Mr. Tooke had corrected and settled the constitution of the London Corresponding Society?

A. Not until I heard it here.

Q. Did you know that Mr. Margarot had written to Mr. Tooke, relative to a declaration to the Convention of France?

A. I did not.

Q. You know nothing of that all the time you were a member of that society? (*No answer.*)

Q. You was a member of that society when the Constitutional

tional Society sent an address to the national convention of France?

A. I believe I was; I have no doubt I was.

Q. Did you happen to be ill at that time?

A. I recollect nothing about that address; and I cannot recollect whether I attended—I have not seen it in public.

Q. If that address had contained sentiments beyond your's, as you have explained them with reference to the letter of the 16th April, 1793, would you have continued a member?

A. If the address had related to the state of France only, I should have stated myself in stronger language, in respect to France, because it required stronger measures.

Q. But if it related to the state of England, you would not have consented?

A. By no means.

Q. Now did you ever read a letter from the editors of the Patriot, at Sheffield, in possession of Mr. Adams?

A. I have no recollection of it.

Q. Have you any idea of the answer, or did you ever hear or know of such a letter sent by the society?

A. No; I did not.

Q. Do you recollect these words,—“The vipers monarchy and aristocracy, are writhing in the grasp of liberty: May success and happiness attend those efforts.” Did you see or know, of such a letter being sent?

A. No.

Q. Did you know the words “May success and happiness attend those efforts,” were in the hand-writing of the gentleman at the bar?

A. No; I cannot recollect it.

Q. Do you know that Mr. Frost, in his address to the national convention, had told the president he hoped soon they would send embassies to the national convention of England, when he presented the address to the national convention of France?

A. No; I believe I was ill.

Q. When the president of the national convention returned an answer, stating he hoped they would soon send embassies to a national convention in England?

A. I have heard of it, but I do not know it.

Q. Then you did not know that Joel Barlow, in a letter to the national convention, had done all this?

A. No; I did not.

Q. When the Constitutional Society expressed thanks to them, do you know those things had passed in the national convention of France?

A. I was not aware of any particular transactions; I permitted it to pass—they went over to express the approbation of many friends of freedom, and if they had executed their orders, I should think they would have done right.

Q. You was not present when the address went to the Jacobins, that was when they had a King?

A. I believe that was before I was in the society.

Q. How long after the 10th of August was it, that your society set about addressing the national convention, which was the government of France?

A. I don't recollect the address at all.

Q. Did you ever see the London Corresponding Society's address to the people of France, in August 1792?

A. No; I did not.

Q. Do you know any thing of the actual proceedings of the Scotch Convention, in 1793?

A. No; nothing but from public papers.

Q. Do you remember ever to have seen in the possession of Mr. Adams, or ever to have heard in point of fact, there was in his possession a letter, representing that the Scotch Convention would in effect die away, unless your societies in London sent them delegates?

A. No; I have no recollection of it.

Q. Margarot was an associated member of your society?

A. He may have been, but I don't know it.

Q. Mr. Gerald, perhaps, you know was an associated member?

A. It is impossible for me to tell who was a member.

Q. But whether Margarot was or not, or Gerald was or not, you know there were delegates from the London Corresponding Society to the convention in Scotland?

A. I know nothing of it but from report.

Q. Do you know who proposed Mr. Margarot to be a member of that society?

A. No; I do not.

Q. You don't know that the gentleman at the bar proposed him?

A. I do not know it.

Q. Perhaps you have seen the proceedings of the Globe Tavern?

A. I have heard of them here.

Q. Did you know they passed at the Globe Tavern before they became a matter of notoriety?

A. I heard there were some strong resolutions, but I did not know what in fact had taken place.

Q. We have now got a little to bear in point of time, give me

me leave to ask you, if you was present upon the 17th of April, 1794; there were some resolutions (a student at the law may not like to hear them) "that law ceases to be an object of obedience, and Judge Jefferies," and so on;—you know what I mean, I know?

A. I was not present.

Q. Did you ever see the rough draft of those resolutions?

A. No; never.

Q. Not being present, you cannot tell me whether Mr. Gerald took the chair upon Mr. Tooke's walking out of it?

A. I never saw Mr. Gerald in the chair, that I know of.

Q. Was you present upon the 24th of January, 1794, when there was that resolution, that the most excellent address—without any date, we will take it so—"That the most excellent address of the London Corresponding Society be inserted in the books of this society," and then a great deal of reasoning, "whether Parliament is his Majesty's Parliament, and his faithful Parliament, and his honourable Parliament," and so on?

A. I was not present.

Q. Nor can you tell any thing of the London Corresponding Society having deserved well of their country?

A. No.

Q. Curiosity may have led you to have read, perhaps, the proceedings of the 20th of January?

A. I have heard so much of them here, that I have not read them.

Q. And after all this, it was resolved, "That they deserved well of their country?"

A. I must have a more accurate idea of these proceedings before I can answer that.

Q. You don't know that Mr. Adams had paid Mr. Thelwall six guineas, to reimburse him for 2,500 addresses of the London Corresponding Society?

A. No.

Q. Do you recollect a communication from the London Corresponding Society, that they were to have a meeting upon 14th of April?

A. I don't recollect; I believe it was the 11th of April that we met.

Q. Do you know that Mr. Thelwall was an associated member of your society?

A. I believe he was.

Q. I ask you if Mr. Thelwall then remained a member of the society—Did you know that he was a member of it?

A. I cannot say that I did of my own knowledge, I thought he was.

Q. Did you know that Mr. Margarot was?

A. I don't know what you mean by knowing it.

Q. I ask you if you know, by any source of information, that Mr. Thelwall, Mr. Gerald, Mr. Sinclair, Mr. Margarot, or Mr. Joyce were?

A. Mr. Joyce I did know was a member, but the rest I did not know.

Q. Did you know that your society printed the letter of Mr. Paine to Mr. Dundas?

A. Yes; I did.

Q. Did you know that the London Corresponding Society printed the letter of Mr. Paine to the People of France, for the use of persons in England?

A. No.

Q. Did you know that Mr. Joel Barlow sent a letter to your society, upon the 6th of October, 1792, relative to his publication of a letter to the national convention of France, and that you had thanked him, and ordered the resolutions to be published in the papers?

A. Yes; I did.

Q. And did you know the contents of Mr. Barlow's letter?

A. I have a general recollection of them now.

Mr. Attorney General. I shall ask you no more questions.

Mr. Erskine. Nor shall I.

COLONEL MONEY sworn—Examined by Mr. TOOKE.

Q. I have but two or three questions to ask of you, because I shall not ask you any thing which I think you don't know.—You have been in the service of France?

A. Yes.

Q. At what time did you enter into the service of France—what year and month?

A. This is my commission (*showing a paper*) signed by the King of France; it is dated the 18th of July, 1791, to Marshal de Camp, general of the armies of France.

Q. When did you quit the service?

A. When I heard this country was likely to be at war with France, the 25th December, 1792.

Q. But up till that time did you think you were acting the part of a loyal subject?

A. I certainly did, or I had certainly not gone.—I knew very well that a commercial treaty subsisted between this country and France—I know I had the approbation of my friends before I went.

Q. I want a short answer ?

A. I will give it you as long or as short as you please.

Q. Whether, after December, 1792, you waited upon the Secretaries of State, Mr. Dundas and Lord Grenville ?

A. I did, upon Mr. Dundas, and wrote him a note.

Q. Did you receive any reproaches from the minister, for being in the French service up to that time, December 1792 ?

A. No.

Q. Have you been since that time at court ?

A. Yes.

Q. Was you well received by the King ?

A. Yes.

Lord President. Not a word of this is evidence; I shall strike out every word of it

Mr. Tooke. Will your Lordship be so kind as to inform me what is evidence ?

Lord President. No conduct of Colonel Money's is under our consideration at present; whether he acted right or wrong, whether he was approved of by the Secretary of State, or by the Crown, is nothing to the present enquiry.

Mr. Tooke. Perhaps by my endeavouring to be short, my object is not seen; it seems to me to be very strongly connected with it—my object is this, that certain letters of mine, declaring an approbation or intention of giving assistance (for none was actually given) to France, appear to me to be charged, as if they were after the war; now it seems to be much stronger for a man to be actually in the service, with the approbation of the King, than to give shoes to the soldiers.

Lord President. So far it may be very proper, because your case may be some way implicated; but whether Colonel Money was right or wrong, whether he was approved of, or disapproved of, cannot touch your case.

Mr. Tooke. I mean to have the joint benefit of shewing what were the opinions of this gentleman, and the Secretaries of State, and joining that with the King's speeches, both before and after, I thought that would satisfy any reasonable mind that I could not know what nobody else did—but if it is wrong, I have lost but little time—I will not pursue it.

Mr. MAXWELL sworn—Examined by Mr. ERSKINE.

Q. Do you know Mr. Horne Tooke ?

A. Yes.

Q. How long have you known him ?

A. I have known Mr. Tooke since the beginning of the year 1793.

Q. Where was it that your acquaintance commenced ?

A. At

A. At Wimbledon.

Q. Did you visit him there?

A. I did.

Q. Had you ever any opportunity, in consequence of those visits, of knowing his sentiments?

A. I had.

Q. Confidentially?

A. I believe confidentially.

Q. What days did you visit Mr. Tooke?

A. Generally on a Sunday.

Q. Be so good to state what passed upon those occasions relative to the subject before us?

A. Will it be necessary to state every thing that I heard?

Q. Certainly not; but to state any prominent circumstance that occurs to you.

A. I have heard him say that he disapproved of universal suffrage; and I have heard him argue against it in the presence of a few confidential friends.

Q. Did you ever hear Mr. Tooke say any thing with regard to the means of accomplishing a parliamentary reform?

A. I have; I remember to have heard him say that he thought it might be a proper thing for some gentlemen who were present, and such others as might approve of the plan, to stand whenever any opportunity offered for the close boroughs, and in case they were rejected, if they did not succeed in being returned to Parliament, they should then petition, in order to expose all the iniquities attending the elections at such boroughs, and by that means to induce the majority of both Houses, and the borough proprietors, through shame, to agree to a reform in the representation in the Commons House.

Q. Did you ever hear Mr. Tooke utter any expression hostile to the prerogatives of the crown, or the King's person?

A. I never did.

Q. Nor to the hereditary office of the peers?

A. I never did.

Mr. Tooke. Did this plot go a little further—Were any gentlemen at my table that day, when this proposal was made by me, of standing for all the close boroughs, who consented to be one of those who would stand when the boroughs became vacant?

A. There was one.

Q. What was his name?

A. Mr. Walker, of Manchester.

Q. Do you recollect any other?

A. No; I do not who consented.

Q. Did he approve of the thing, and take it into consideration?

A. He did.

Mr.

Mr. MAXWELL Cross-Examined by Mr. ATTORNEY
GENERAL.

Q. You are not Dr. Maxwell?

A. No.

Q. May I presume to ask you where you reside?

A. My residence is in Linlithgow, in Scotland.

Q. Upon what occasion did you come up to town?

A. I am generally in town every year.

Q. Did you happen to dine at Mr. Tooke's at any time in the close of the year 1792?

A. I was not acquainted with Mr. Tooke at that time.

Mr. Tooke. As you are not Dr. Maxwell, I beg to know what trade or profession you are of?

A. I have no profession.

Q. Whether you are a clerk in any office?

A. No.

Q. Whether you are a gentleman's servant?

A. No.

Q. Whether you have servants of your own?

A. Yes.

Mr. Attorney General. I asked whether he was Dr. Maxwell, because there was a Dr. Maxwell who belonged to the society.

Mr. Tooke. He is a gentleman in a very different station.

Mr. MAY sworn—Examined by Mr. ERSKINE.

Q. Do you know Mr. Horne Tooke?

A. Yes.

Q. How long have you known him?

A. Better than two years.

Q. Are you a member of the Constitutional Society?

A. I am a member of no society at all.

Q. Are you acquainted with Mr. Tooke in private life?

A. Entirely.

Q. Have you dined at Mr. Tooke's?

A. Yes, often, and he at mine; I have often wished to know his principles—we have talked very freely—I have asked him his sentiments on politics, and he uniformly told me he wished well both to the monarchy and aristocracy of the country—the only change he wished, was in the House of Commons;—the last conversation I had with Mr. Tooke was in the street, a very short time before he was taken up.

Q. Upon these subjects did you find Mr. Tooke a loose floating man in his opinions, or did you find him steady to one purpose?

A. I

A. I have known him when he has drank a great deal of wine, and when he was sober, he was always perfectly consistent—I have heard him reprobate the introduction of Mr. Paine's principles here; that we wanted no republic here, and that he refused to be a delegate to the Scotch convention.

Mr. Attorney General. Did I rightly understand you, that in conversation with you, you both heard him reprobate Paine, and that he refused to be a delegate to the Scotch convention?

A. Yes.

Capt. TOOKE HARWOOD sworn—Examined by
Mr. ERSKINE.

Q. You are, I believe, an officer in the army?

A. In the 19th dragoons; I am Captain of a troop.

Q. Do you know Mr. Tooke.

A. Most intimately.

Q. How long have you known him?

A. My uncle introduced him to me six years since, who has a great friendship for him likewise.

Q. In consequence of that introduction of your uncle an intimacy grew between you?

A. Yes.

Q. In the course of that time you have conversed with him upon many subjects?

A. Certainly.

Q. Have you conversed upon political subjects?

A. It was his constant theme.

Q. Are you able to inform the Jury what were his political sentiments, respecting the present government of King, Lords, and Commons?

A. That Parliament wanted a reform; that a great number of borough mongers might be ashamed of themselves, and ought to be made ashamed of it, by continual applications; and that there was no remedy but from themselves.

Q. Were any measures proposed which might tend to accomplish this, to make them ashamed of themselves?

A. Yes; it was proposed among a great number of friends, that each of us should petition against the member supposed to have bought a rotten borough, and I proposed myself to be one; I believe Mr. Maxwell was one, Mr. Walker of Manchester was one, and I believe some others were very desirous of doing it; he said it was only by such a reform that we could ever expect any good to this country.

Q. Was Mr. Tooke uniformly steady and firm in these principles?

A. Yes,

A. Yes, in every thing I ever knew him say or do.

Q. You never knew him take up one sentiment one day and lay it down the next?

A. No.

Capt. TOOKE HARWOOD cross-examined by
Mr. ATTORNEY GENERAL.

Q. It appears by the Constitutional Society's book, of which society I understand you are a member?

A. I am.

Q. That you were present on the 23^d of March, 1792—Your name is William Tooke Harwood?

A. Yes.

Q. You were present therefore upon the 23^d of March, 1792—Do you recollect certain resolutions from Sheffield, with a resolution of the Constitutional Society upon them, and an association of twelve members from Sheffield with your society?

A. I think I remember the association of members from Sheffield.

Q. You signed the resolutions as chairman?

A. If I did I will tell you.

Q. I have not the least doubt of that. (*Shews him the book.*)

A. That is my writing.

Q. You was present also, I believe, when your society wrote a letter to the Society of the Friends of the People?

A. I believe I was.

Q. Are you a member of the Society of the Friends of the People?

A. No.

Q. Do you recollect the answer that was sent by Lord John Ruffel to your society?

A. I do not recollect it.

Q. You never read it perhaps?

A. I dare say I did at the time, but I have forgot it again.

Q. Do you recollect an application from Norwich, which was read in the society upon the 4th of May, 1792, for associating twelve persons at Norwich with your society?

A. I think I do.

Q. You have no doubt but that application was made, and that they were associated?

A. I believe they were.

Q. You were present, I believe also, upon the 11th of May, 1792, when an address was resolved upon to the Jacobins in France, the Friends of the Constitution at Paris so called?

A. That I am not certain of.

Q. Your name appears here—you have heard of such an address no doubt?

A. I have.

Q. Have you any doubt that the society sent such an address?

A. I was not the instrument of sending it, and know nothing of it any further than I have heard.

Q. Was Mr. Paine a member of your society?

A. Yes.

Q. And Mr. Barlow?

A. Yes; honorary members.

Q. Did you know of the proceedings of your society about publishing their works?

A. No; I don't recollect them at this moment; we approved of part of them, and part of them we disapproved.

Q. Then what part you approved, and what part you disapproved, I take it will appear in your society's books?

A. Probably.

Q. Do you recollect that Mr. Tooke was to send the address to the Jacobins?

A. No.

Q. Do you happen not to be acquainted with that?

A. No; I am not.

Q. Were you present when the address of the London Corresponding Society was agitated, whether it was a proper thing to be sent to the National Convention of France or not?

A. No.

Q. Did you know that Mr. Margarot and Mr. Hardy, from the London Corresponding Society, had consulted Mr. Tooke upon that address?

A. No.

Q. Do you know that Mr. Margarot was an associated member with your society?

A. I have seen him there.

Q. Mr. Gerald?

A. I have seen him there.

Q. Mr. Sinclair?

A. Yes; he was a member.

Q. Were you there when your own address to the National Convention was sent upon the 9th of November?

A. No; I am never in London in the month of November, for five or six years past.

Q. Do you happen to know who composed that address?

A. No.

Q. Was you in town in April, 1793, when a letter was sent to Norwich, saying, 'you are not to look for the remedy to that parliament of which you complain?'

Mr.

Mr. *Erskine*. I had much rather you would read the whole of the letter.

Mr. *Attorney General*. Was you present when a letter, dated the 16th of April, 1793, was sent to Norwich, relative to an address to the King, or the parliament, or the holding a convention of the people?

A. I do remember a letter of that kind.

Q. Be so good as to look at that, and tell me if that is the draft of the letter? (*Shewing a paper.*)

A. I dare say it is.

Q. Give me leave to ask you whose hand-writing that is?

A. I don't know.

Q. Do you know whose it is according to your belief?

A. Should I implicate any body upon my belief, when I am not certain.

Q. I ask you, according to your belief, is it the hand-writing of any person you have ever seen write?

A. No; I cannot swear to that hand-writing at all.

Q. I ask you whether you believe it to be the hand-writing of any person you have seen write?

A. I can tell that it is more like one man's than another.

Q. That will not do, I ask you do you believe that it is the hand-writing of any person whom you have seen write?

A. I think it is Mr. Vaughan's.

Q. Did you ever see him write?

A. No; I have seen him writing, but never looked over him.

Q. If you had told me that, I should not have pressed you.—Upon the 16th of April, 1793, I see you were present—Do you remember that Mr. Frost read a letter to be sent to the United Societies of Norwich?

A. I don't remember that.

Q. I ask you, according to the best of your knowledge, who wrote that letter?

A. It was first voted that Mr. Frost should answer the letter, but upon re-consideration, I coming from Norwich, it was given me to answer; I carried it in my pocket, from time to time, and either through idleness, or carelessness, or something else, I did not answer it; instead of sitting down to answer it, I sent it to Mr. Vaughan, and begged him to answer it himself, or get somebody else; when I came to the society, the letter was answered, but whether it was sent or not, I cannot tell.

Lord President. On what day was it dated?

Mr. *Attorney General*. On the 12th of April, 1793.

Q. Upon the 12th of April, 1793, was Mr. Vaughan present at the Constitutional Society? There is an entry in the book of

Mr. Vaughan being appointed one of the committee—Is that the same Mr. Vaughan to whom you sent that letter?

A. Mr. Felix Vaughan; he did not belong to the Constitutional Society, but he might have dined there.

Q. Did he belong to the London Corresponding Society?

A. Not that I know of; I don't know.

Q. Do you recollect who read the answer in the society that night?

A. No.

Q. You cannot charge your memory with that?

A. I dare say the Secretary.

Q. Do you remember if Mr. Frost was present that night?

A. I do not.

Q. Do you remember being present when the society returned their thanks to Mr. Barlow and Mr. Frost for their conduct in presenting the addresses to the National Convention?

A. I do remember that.

Q. Do you remember the letters which were sent by Mr. Frost and Mr. Barlow, to state what they had said to the President, and what the President said to them?

A. I never saw them, nor heard the contents; the thanks, I believe, I signed.

Q. Allow me to ask you; you say you sent the Norwich letter to Mr. Vaughan, and you found an answer prepared, will you permit me to ask you where you got the Norwich letter?

A. From the Constitutional Society.

Q. Where?

A. At the meeting.

Q. In London?

A. Yes.

Q. Do you recollect the individual who gave it you?

A. I cannot say, I suppose the Secretary, or I might take it off the table.

Q. Look at that letter and tell me, upon your recollection, whether that is it? (*Shewing the letter from Norwich.*)

A. I dare say that is it; I remember we said it was a very foolish one.

Q. And you gave an answer to it as such?

A. I don't know any thing about that.

Q. You have been at Norwich?

A. Yes.

Q. You have been at the societies?

A. I never visited the societies, I know a great many of the members.

Q. Knowing a great many of the members of the society, do you

you mean the societies that had twelve associated members with the Constitutional Society?

A. I know some of them.

Q. Was that letter put into your hands without any previous conversation desiring it to be sent?

A. It came by the post, I suppose.

Q. When you left Norwich, did you know that it was to be sent?

A. No; I don't know the man that signed it?

Q. You know nothing of the proceedings of the Scotch Convention?

A. Not the least.

Q. Nor were you present on the 20th of January, 1794, at the Globe?

A. No.

Q. Nor were you present in the Constitutional Society upon the 17th of January?

A. No.

Q. You was not present in the Constitutional Society upon the 24th?

A. No.

Q. Nor subsequent?

A. I have not been in London for a twelve month.

Mr. Tooke. You have been asked concerning twelve associated members from Sheffield, and twelve associated members from Norwich; you answered, that you remembered the associated members—did you mean that you ever saw any of them at that society?

A. Never.

Q. To the best of your knowledge, did ever any one of those associated members attend?

A. I believe never one.

Q. You meant that you remembered their names upon the books?

A. Yes.

GEORGE ROUS, Esq. sworn.—Examined by Mr. ERSKINE.

Q. You are a member of the Society of the Friends of the People?

A. Yes; and have been so from their first institution.

Q. Do you remember being present at a meeting of the Society of the Friends of the People, when a letter came to them from the London Corresponding Society, touching the sending delegates to a convention, which they were about to call in the spring of 1794?

A. I do.

Q. Do you recollect whether there was or not a considerable number

number of the society of the Friends of the People present upon that occasion?

A. I think there was a pretty full meeting.

Q. Was the propriety or impropriety of acceding to the proposition of the London Corresponding Society debated?

A. It was.

Q. Upon what ground, and for what reasons was it rejected, and the letter sent which is signed by Mr. Breton, and which has been read in evidence in this cause?

A. The reasons given were an apprehension that a bad use might be made of the meeting of delegates, the letter was in writing, the proposal was generally declined; the terms of it I don't recollect.

Mr. Erskine. The letter has been read; and my memory will serve, I believe, that though the Friends of the People rejected the proposition they were ready to co-operate with them in the object of parliamentary reform?

A. Undoubtedly.

Q. The proposition stated by the London Corresponding Society, in their letter, being read in our society, that is, the letter read in evidence here, as coming to our society, being read in that society, a debate took place; What reasons were assigned, by yourself and others, for not agreeing to send a delegate to this proposed convention?

A. I remember perfectly the reason that I assigned, and which produced, at the last, a general acquiescence; the reason that I assigned was, that a bad use might be made of it.

Mr. Garrow. I must take the liberty of interrupting Mr. Rous in this examination, and submit my doubts whether this can by possibility be evidence. Mr. Rous is now examined into the reasons, given by particular persons in this society of the Friends of the People, in a certain contention, such reasons as they chose to give for declining the proposal; that letter your Lordships have received, and without objection, I believe, from us, probably upon the ground of its being an answer to an act of this society; the answer was proper to be received, but whatever the individual reasons were, good or bad, that were given either by the honourable and learned gentleman under examination, or any body else, be the persons more or less learned—be they more or less loyal than the learned gentleman under examination, are not fit to be received in evidence, in as much as they seem to have no bearing at all upon the subject in discussion; if this objection is not founded, I beg your Lordship's pardon for the interruption.

Mr. Attorney General. I confess I think it is my duty to support

port this objection, because when one learned lawyer is examining another learned lawyer, he will pardon me for saying there is no end of it; if after Mr. Breton has stated the reasons of the society of the Friends of the People in a letter, which is a great public document of this society, we are to have all the speeches of the very able orators in that society, for that is the effect of this examination; I have no doubt, my learned friend, would discuss this very ably in that society, as well as others, who might differ from him; but I conceive it cannot be evidence in this cause.

Mr. *Erskine*. I shall state very shortly my answer to this objection, for the very best reason in the world, because your Lordship sees I am not capable of going into it at length. The court has, in my opinion, very properly divided this question into two branches:—

First, Whether any conspiracy of the nature charged in this indictment existed at all.

And secondly, Whether if it existed it is brought home to the prisoner?

Under the first branch of that question a great deal has been gone into (which I am sure your Lordship will not understand me as arguing against the admissibility of) to shew that the London Corresponding Society meant mischief by this proposed convention; and in order to shew that they meant mischief by it, a great deal of evidence has been brought of what has been said by the different members, which indicated that mischievous intention. What I proposed to ask Mr. Rous was this—A proposition was made to us, I say to us, being myself a member of that society, and, therefore, it is a phrase natural enough; but it was addressed to the Friends of the People, and Mr. Rous was present at that time. Now, if the Attorney General has proved that a proposition had been made to the Friends of the People of a criminal nature upon the face of it, most undoubtedly any sense which the Friends of the People could put upon that criminal paper so written to them, could not do away its criminality in any degree; but as the paper is in itself indifferent, or if it were criminal, is criminal far short of what brings us together in this place; its criminality is to depend upon the intention the Jury should find that proposition to have been made with. I propose to ask Mr. Rous—Whether any of the society, to which that paper was addressed, put that criminal construction upon it, it is asked by the Attorney General, that the Jury should put upon it? But it is not that alone, the Attorney General says that which I do not accede to; you have got a document of this society, a letter signed by Mr. Breton, and that alone is to be evidence, I deny it, I say, that this letter, signed by Mr. Breton, as chairman of a committee, not of a court of parliament, or a court

court of justice, but a private man, is by no means binding upon that society, and, therefore, in order to get at the meaning of the society of the Friends of the People, I have a right to enquire into it. It may be said, what is that to the purpose, what the Friends of the People thought; that is just what I say, it is nothing to the purpose, in as much as the interpretation of private men, of the intentions of other private men, is no evidence in a court of justice, but all evidence is competent or incompetent as it is followed up by that which touches the cause, and what I wish to examine Mr. Rous to is this—That the society of the Friends of the People having put this construction upon the word ‘convention,’ which I put upon it, and he having seen Mr. Richter, who is one of the persons in custody—I propose to ask Mr. Rous, whether he did not see Mr. Richter, and had certain conversation with him?

Mr. Attorney General. If you are to be allowed to state all your evidence in this way —————

Lord President. Then you give up the present objection?

Mr. Erskine. No; I do not.

Lord President. Then you should not start another affair. Whether Mr. Rous is to state the particular reasons he himself gave, and which he thinks influenced others to give consent to that letter? That is the question for us to decide.

Mr. Erskine. Yes, my Lord, and the only ground upon which I can submit an answer to your Lordship’s judgment is, that if they had not read the answer of Mr. Breton, as chairman of the committee, it would not be evidence; but as they have read the letter of Mr. Breton, expressive of their sentiments, it is open to us to examine to it.

Mr. Attorney General. That is to shew the Jury whether Mr. Erskine or Mr. Rous made the best speech?

Mr. Erskine. I was not there.

Lord President. It is utterly impossible to maintain that this can be received in evidence. The only thing to charge the prisoner in any manner is, that which came to the hands of the Constitutional Society, and whether that was the sense of this meeting, or was not, is nothing to the purpose, the Constitutional Society did receive such a letter from the Friends of the People—that letter must speak for itself.

Mr. Erskine. That is not the letter I am speaking of, it is a letter which the London Corresponding Society wrote to the Friends of the People, and the answer of the Friends of the People to the London Corresponding Society.

Lord President. It is the answer and the grounds upon which that answer was sent that we are now debating—Whether these grounds were different from what appears upon the answer, may be received in evidence?

Mr. *Erskine*. No; they are not different.

Mr. *Attorney General*. If my learned friend gives the opinion of Mr. Rous upon that contention, I am open to give the opinions of every other gentleman that made a speech upon it also.

Mr. *Erskine*. Then I submit whether I am at liberty to ask Mr. Rous, whether any thing passed between him and Mr. Richter upon the subject of that convention?

Mr. *Garrow*. That I object to; we have not given any evidence of Richter's declarations in this cause, if we had no objection could be made to it.

Mr. *Erskine*. The principle of it is this, certainly no declarations of Mr. Richter have been offered in evidence, but the declarations of every body, implicated in this conspiracy, is evidence for the Jury.

Lord *President*. Will the gentlemen be so good as to recollect the rule I set out with, that with respect to declarations, declarations against a man's self were to be received, because no man will presume to say he is guilty when he is not, but because it is true; and the declarations for a man's self ought not to be received, because the contrary presumption takes place.

Mr. *Tooke*. My Lord, much of the evidence that I intended to call I mean to relinquish. I am very well satisfied with what has passed; but if your Lordship will permit me, as the Bishop of Gloucester is in court, I will call him now, and conclude my evidence.

His Grace the Bishop of GLOUCESTER, sworn.—Examined by Mr. TOOKE.

Q. My Lord, I ask you the questions myself, because you are more accustomed to my voice than to the voice of the counsel; I beg your lordship to say how long we have been acquainted?

A. I believe just 40 years.

Q. Has that acquaintance been slight, or affectionate and confidential?

A. For many years certainly not a slight acquaintance, but very confidential and very intimate.

Q. Where did our acquaintance first begin, my lord?

A. In the University, in 1754.

Q. We were there some years together, I suppose?

A. Until we took our degrees in St. John's College, in the University of Cambridge.

Q. Does your lordship recollect my taking my Master of Arts Degrees?

A. Yes.

Q. Do you recollect that that Degree was opposed?

A. Yes.

Q. Does your lordship recollect any other person's Degree being opposed?

A. I do not.

Q. Is not the Degree of Master of Arts such an one as would be given to any creature that could answer two reasonable words?

Lord President. For the honour of Universities that question should not be put.

Mr. Tooke. I beg your lordship's pardon, it is of importance to me, I am too faithful a son to the University to make any reflections upon it.

Lord President. Take your own course.

Mr. Tooke. I think your lordship must already perceive that a Degree, which is almost given to any body, and was never refused to any body else, your lordship must perceive that something extraordinary must be the cause of it.

Lord President. Certainly.

Mr. Tooke. Does your lordship think that that opposition proceeded from any immorality in my conduct, want of character, or want of common understanding?

A. I understood it to originate entirely from some letters, printed in the public papers, said to be written to you by Mr. Wilkes, and published by him as such.

Q. Does your lordship recollect that Lord Milford took a very active part in opposition to my Degree?

A. I do.

Q. Does your lordship recollect that in consequence of that opposition, very minute and very strict enquiry was made into all the books of the University at large, and of our class in particular, to find out something to lay to my charge?

A. I certainly have an imperfect recollection of enquiries of this kind being made.

Q. Does your lordship recollect that they produced any kind of censure to lay to my charge?

A. I believe not.

Q. Do you believe it, possible that in the course of my life, during my stay at the University, there was any possibility of charge against me, with respect to morality, ignorance, quietness, or respectability?

A. I certainly thought, at the time, that no such objection was brought to giving you your Degree as I could accede to, and, therefore, I gave my vote for your having Degree, and supported it as much as I could.

A. Your lordship was, I believe, at that time Tutor of St. John's, and Orator of the University?

Q. No; not at that time, I believe—Yes, I believe, you are perfectly right.

Q. Does

Q. Does your lordship recollect giving a dinner in the room where we have so often dined?

A. Yes; in the year 1772, I think.

Q. Whether it is not your lordship's opinion, and have frequently given it to many, that whatever was my way of thinking, I had been always the same in my political sentiments, from the time you first knew me up to this time?

A. I certainly have not known you vary in your political sentiments in my hearing.

Q. Have we talked freely and familiarly together often?

A. Undoubtedly.

Q. Upon general subjects?

A. Undoubtedly.

Q. Did your lordship ever recollect, from any conversation of mine, that I was disaffected to any establishment in this country, any civil, religious, political, or, in short, to any establishment?

A. No; I never did.

Q. Does your lordship think, or are you persuaded what must have been the general course of my life, must it have been very dissipated, or tolerably studious?

A. I am rather inclined to think it has been very studious.

Q. As much as most men?

A. More than many men certainly.

Q. Has your lordship ever assisted me with books from the University of Cambridge?

A. I think I have.

Q. Did your lordship discover for me some books, no where else to be found, that were in the Bodleian Library at Oxford?

A. I believe I did.

Q. Some grammatical works of _____ and Campanella?

A. Yes.

Q. Did your lordship suppose that I was more employed in deposing the King and overturning the state, than in hunting out for new words and new meanings—Which did your lordship think most occupied my attention?

A. I know you was very much employed in the latter; I never did know, and I hope you never have been employed in the former.

Q. Have you any reason to believe that I have?

A. No; I have no reason from any thing I ever heard you say, or knew you to do.

Mr. Attorney General. Do you know any thing of the proceedings of the Constitutional Society for the last three years?

R 2

A. Nothing

A. Nothing at all.

Mr. Tooke. Is not that almost as bad as speaking of the Master of Arts Degree upon the footing upon which I placed it, because it must be as great a degree of insult to ask the Bishop of Gloucester about the Constitutional Society, as of me to speak as I did of the Master of Arts Degree?

Mr. Attorney General. I think it must have been perceived, without my informing the court on this occasion, that it was not asked to occasion a laugh.

Lord President. It is impossible for me to say, that the question was irregular, and there was nothing in the terms of it that conveyed that kind of objection that I felt was the case with the other objection; undoubtedly it is very evident, that the Bishop of Gloucester could not know any thing of these societies.

Mr. Attorney General. What is evidence must come from the Bishop of Gloucester as well as any other man.

The Court adjourned to ten o'clock the next morning.

FRIDAY MORNING, NOVEMBER 21, 1794.

The Court met, pursuant to Adjournment, at Ten o'Clock.

P R E S E N T,

THE LORD PRESIDENT,

THE LORD CHIEF BARON,		MR. BARON HOTHAM,
MR. JUSTICE GROSE,		MR. JUSTICE LAURENCE.

Lord President. Before we proceed it will be proper for the court to take notice, that in the opening of the case, a great deal of stress was laid upon the acquittal of Hardy. You know extremely well that properly no mention ought to have been made of the acquittal of Hardy, unless his acquittal could be produced in evidence; you have not hitherto offered to produce it in evidence, and you are now going on to sum up the evidence without producing it in evidence. I only observe, a thing opened and observed upon, ought to have been offered in evidence, and if not, it cannot be made evidence; and nothing ought to be said in summing up.

Mr. Erskine. If a counsel opens a case it is impossible he should know what evidence he may offer; it is competent to counsel to propose to give any evidence which appears to him material, and also competent, because it is impossible for counsel to know what the admissibility, or inadmissibility of it may be; it was a thing so notorious, that passed before your lordship last night, that our client was satisfied he had produced sufficient to maintain his innocence, and closed his evidence, undoubtedly it was our intention to produce the record of his acquittal, and if your lordship will admit it, we propose it to be produced.

Mr. Gibbs. We offer it as proof, that one of the persons indicted upon this record has been found not guilty of the conspiracy charged.

Lord President. Have you the record?

Mr. Gibbs. We have not got it drawn up. I think the course of the Old Bailey is to read the minutes. The ground we offer it upon is, that Mr. Tooke conspired with other persons, of whom Hardy was one named; and we offer it to shew that Hardy was not guilty of the conspiracy charged.

Mr. Tooke. I beg your lordship's pardon, but I am bound to say a word for my counsel, whom I have brought into this situation by hastily closing the evidence; your lordship cannot but recollect the nature of the cross-examination, and that it led
to

to every material thing that passed the witnesses were asked—Do you know this? And when they said No, the Attorney General said, he thought so; and I closed my evidence rather abruptly.

Mr. Attorney General. As to Mr. Tooke's saying, he closed it too early—I have not the slightest objection to his giving any evidence he likes.

Lord President. I think you do right, Mr. Attorney General, in not pressing any objection, though the ground is somewhat different from what is stated at the bar. The acquittal of Mr. Hardy has been talked of in a general way, and may be, and probably would, by those that do not discriminate accurately, be carried much farther than it ought to be carried in point of effect; and, perhaps, much further than if it was in evidence; the court cannot point out to what purpose such an acquittal may be applied in evidence, and to what purposes it ought or not to be applied; however, it is utterly impossible for any set of men perfectly to attend to the charge, and to say they do not even know any thing of his acquittal; as to laying it out of their memory, it is doing more than man can do; it is proper it should be in evidence, and its true bearing should be seen. Now, to one point, as it seems to me, it may properly be evidence, and to that point only; and it is as far as the acquittal of Hardy will go to contradict the evidence that goes to fix upon Hardy, particularly the being a party in this conspiracy. There is a great deal of evidence that goes to it, and has an application beyond him, but as it directly tends to Hardy, it is a point that Hardy stands acquitted; it is for that reason, and to shew the true bearing of it, I put you in mind it should be offered, and the evidence should be admitted to see how far it should be applied. The Attorney General has said, with that candour which throughout the whole of his conduct has appeared, he shall not object to it, and, I think, it is agreeable to justice it should be offered.

Mr. Erskine. The evidence I offer is the record, to shew that Mr. Hardy, who was indicted for the same conspiracy, is acquitted.

(The record was accordingly entered as evidence.)

S P E E C H

OF

VICKARY GIBBS, ESQ.

IN

DEFENCE OF JOHN HORNE TOOKE.

May it please your Lordships—Gentlemen of the Jury,

IT now becomes my duty to observe to you upon the case, which is supposed by the gentlemen who have conducted the prosecution, to have been made out against Mr. Tooke; and in order to make the case and those observations I have to make most intelligible, I think it will be much better to state what I conceive the law to be, as applicable to the facts, and then what those facts are, and how the law applies to them.

Gentlemen, with respect to the crime charged upon Mr. Tooke, you can no where find it better than by looking into the authority under which this court sits, which authority is found described in what is called the caption of the indictment, which I have in my hand; by that it appears, as abstracted from the commission under which they sit, that their Lordships are authorized, under the commission to try high treasons, in compassing or imagining the death of our Lord the King; that is the whole authority that applies to the present case; and, therefore, I am justified in saying, that the only question for your consideration, at least the question, without finding which in the affirmative you cannot convict the gentleman who stands at your bar, is—Whether he has compassed the King's death? That is the only treason as applicable to this case, stated in this commission, under which they now sit; and though that gentleman at the bar might be guilty of twenty treasons of a different nature, he would not be answerable to this court. This court has now a right to try the treason stated of compassing the King's death, for that is the treason stated in the words of the commission under which the court sits.

Gentlemen, the indictment charges in the first place, the treason—and in the next place it charges the overt acts by which it is insisted that treason is proved. The treason charged against the prisoner, in the charging part of the indictment, is, that he has conspired to bring our Lord the King to death—I say that is the only charge in that part of the indictment, and I am sure the Court will go with me when I say, that if every thing else had been omitted, but that, the indictment would be good;
but

but if that part had been omitted it would be bad.—One thing only must be proved, namely, whether he has compassed the King's death, but the indictment must go further, and prove the overt acts, how he has gone about this design to put the King to death—This much I will state, that in the introduction of every overt act, the indictment states, as it must state, and it would be bad if it did not—that to fulfil, perfect, and bring to effect, the thing before mentioned, that is, compassing the King's death, Mr. Tooke did the act charged against him. If the indictment did not state it went for the purpose of bringing the King to death, the indictment would be bad—it follows you must not only try the overt acts, but their tendency, and whether they were committed for the purpose of the imputed treason, namely, the compassing the King's death.

Gentlemen, the acts charged against the prisoner are, chiefly that he agreed with others, that a convention should be held in this country, which was to act against the government of the country, and to depose the King. There are other counts also, which charge the intention to overturn the government, and depose the King—I therefore take the charge to be this, that he has conspired against the King's death, and in order to bring about that end, he has done certain other things with a view to depose the King, and by the means of that deposing, ultimately to produce his death. Those are the treasons stated upon the indictment—and the only treasons as applicable to a case of this sort, which could be stated. From the authority under which the court sits, and the charge in the indictment, the facts you are to try are, whether the prisoner compassed the King's death—whether he committed the acts charged upon him in the prosecution of this design.

Gentlemen, I will now state the authority under which the authority of this court is founded, and the commission under which he is tried—I mean that statute which passed in what Lord Coke called a blessed Parliament, namely the statute of the 25th of Edward the Third, stating what constitutes treason, and laying down an unerring path by which a man's conduct could be followed, and shewing how a man should not be implicated in guilt, without knowing what it was, which I am sorry to say, before this statute, was a state engine for prosecutions for high treason.

Gentlemen, the statute of 25th Edward the Third is this, it begins with stating the mischief that had arisen, and it recites that divers opinions had before been entertained in what case treason should be laid, and in what not; and the King, at the request of the Lords and Commons, makes a declaration as
 2 hereafter

hereafter follows—The statute then goes on to say what shall be treason as attaching to the King's person—"That is to say, when a man doth compass or imagine the death of our Lord the King, or our Lady his Queen, or of their eldest son or heir; or if a man do violate the King's companion, or the King's eldest daughter unmarried, or the wife of the King's eldest son and heir; or if a man do levy war against our Lord the King in his realm, or be adherent to the King's enemies in his realm, giving to them aid and comfort in the realms, or elsewhere, and thereof be provably attainted of open deed by the people of their condition."

Gentlemen, you will observe, before this statute passed, treason was a crime undefined by the statute law, if any man was indicted for high treason, and a Jury was told so, they could not have information enough to try him, and they must know what treason is, and must learn from the court what it was imputed to him—after that statute they learnt from a higher authority what treason is; by this statute every branch of treason is pointed out, and therefore that which was matter of law in the breast of the Judges, became, by this statute, a matter of fact in the breast of the Jury, and that points out what constitutes high treason; but, Gentlemen, the makers of this statute thought it necessary to guard the subject against abusive prosecutions for treason. One would have thought that the makers of the statute would have supposed that was sufficient for the securities of the subject, but they knew what an engine prosecutions for treason was made, and in the anxiety, that the subject should not be exposed to vague and loose charges of treason, the statute goes on to prohibit any thing being considered as treason, except in the words of the statute. It says, "These are the cases which extend to our Lord the King, and because many other like cases of treason may happen in time to come, which a man cannot think nor declare at this present time, it is accorded, that if any other case, supposed treason, which is not above specified, doth happen before any Justice, the Justices shall tarry, without any going to judgment of the treason till the cause be shewed and declared before the King and his Parliament, whether it ought to be judged treason or other felony." So that you see, here is an express prohibition of the courts, from the suspicion entertained at the time that future courts might do that which preceding courts had done. Here is an express prohibition against their going out of the words of the statute, or judging any thing to be treason that is not above specified.

Gentlemen, we have now gone three steps; one, the commission under which the court sits; the second, the charge contained

in the indictment; and the third, the statute under which the commission issued, and the authority under which this indictment is drawn.

Gentlemen, the next thing is to go to the opinion of learned men of the law, who have construed this statute, and we know of none more learned than Lord Coke.—He has always been called, as my learned friend Mr. Erskine said in the opening, “the Oracle of the Law.” Let us see what rules he lays down by which this statute is to be construed—In his third institutes, there is a comment, “That there must be a compassing or imagination, for if an act done, without compassing, intent, or imagination, it is not within this act, as it appeareth by the express words thereof: *Et actus non facit reum nisi mens sit rea*—And if it be not within the words of this act, then, by force of a clause hereafter, viz. *Et per ceo que plusors auters, &c.* it cannot be adjudged treason until it be declared treason by Parliament, which is the remedy in that case, which the makers of the law provided in that case.” Those are not all the words of the act, as I told you, it had been foreseen by the legislature, that as judges had construed that to be treason which was not so, so those that followed might do the same thing, and notwithstanding what I stated of the express definition of the statute; and notwithstanding the express prohibition of the judges to hold any thing to be treason which was not mentioned there, the same conduct was pursued by judges after that time, and it was necessary to pass another statute to define the law, by the rule laid down by the 25th of Edward the Third—Accordingly there was composed another act, in the first of Queen Mary, stating those grievances had existed, and prohibiting that authority in the judges; and adding, that nothing but what was declared in that act to be treason, should thereafter be called treason; therefore we have the act of the legislature in the 25th of Edward the Third, and the act of the legislature in the first of Queen Mary, re-enacting that act, recognizing it, and bringing back the law, as laid down by the 25th of Edward the Third, so far as applies to the single act of compassing the King’s death. This statute likewise Lord Coke comments upon, as well as the other—The words which I read to you before were, that nothing should be considered as treason which was not specified and expressed in that act. Lord Coke comments upon the words “specified and expressed”—He says that this word “expressed,” excludeth all implications or inferences whatsoever. Then, Gentlemen, you have nothing else to try, for their Lordships can hold cognizance of nothing but what is specified and expressed in the statute of Edward the Third—and nothing is specified or expressed in it, but compassing the King’s death.

death. We have the authority under which the court sits, and we have the authority of the statute, expressly declaring, that nothing can come under your charge but compassing the King's death; therefore that is the act you are to try.

Gentlemen, let us see what has been the conduct of the greatest men in this country, sitting in judicature.—I could refer you to many, but I will refer to one only, that serves for all, and that happened in a time in which no man could be guilty of that which is charged to the prisoner, I mean the trial of Lord Russell, in Charles the Second's time, who was tried before Lord Chief Justice Pemberton, as wise a judge as ever set upon the bench—The treason charged was, that he compassed the death of the King, which is the charge against the gentleman at the bar—The overt act charged was, that he with others did meet together, consult, agree, and conclude on raising insurrection and rebellion, to move and stir up the people against the Lord the King of this country, and to destroy the guards appointed for the preservation of the King's person. That is as strong an overt act as can be stated, and if the overt act had been treason of itself, without considering it as connected with compassing the King's death, so the Lord Chief Justice Pemberton would have told them, the guards being appointed for the preservation of the King. Let us see what Lord Chief Justice Pemberton does tell them—The treason charged, is conspiring to stir up rebellion against the person of the King, and to seize the guards appointed for the preservation of his person.—He tells the Jury, the question is, not whether Lord Russell did conspire to seize the guards, but he tells them, the whole question is, whether Lord Russell had any design to destroy the King, and take away his life.—That is the material point, and the material question is, whether he conspired to compass the King's death; but the fact of the insurrection was for the Jury to consider upon, and whether the prisoner embraced in it that design of compassing the King's death. He goes on to say, "they say he conspired to raise insurrection, and that from the act of seizing the guards, the intention to destroy the King is evidently shewn;" and he adds, "it is material evidence to be considered, whether my Lord Russell did design, by seizing the King's guard, to destroy his person." Lord Pemberton puts it as evidence to the Jury, whether it shewed the intention of his heart to bring the King to death, and if it did not, it appeared to him, in his judgment, not to be high treason:—upon the whole, he tells the Jury, "this matter is left to you; if you believe the prisoner at the bar has conspired against the death of the King, and in order to do that, he has done this act, then you will find him guilty—if not, then you will acquit him"

—so I say for the gentleman at the bar, if you believe (and I read the words of the learned Judge Pemberton) upon the evidence produced to you that the prisoner at the bar did conspire the death of the King, and in order to bring about the death of the King, he did those acts which the witnesses have spoke to, then I say, you ought to find him guilty—if not you will acquit him. I, as counsel say so, but I say more, for I am armed with the authority not only of a counsel but of a judge; I speak out of the mouth of a judge, that if you do not find he conspired to kill the King, if you do not find he held the meetings charged in this case, with the intention charged, then you must acquit him, as I said before—I say this, not only upon the authority of an advocate, but upon that of a judge, because I repeat the words of a most learned and respectable judge in a similar case. So, Gentlemen, appears to me to be the law upon which the prisoner at the bar stands upon his trial; and it will not be necessary for me to discuss that nice point, whether you shall find him guilty of conspiring to depose the King, that it follows as matter of law and not of fact, that he is guilty of compassing the King's death. It is not necessary for me to argue that point, for I defy any person upon earth to find the prisoner at the bar guilty of conspiring to depose the King, upon the evidence which has been given. Thus much I shall say, if that point should ever be brought before the court, I do verily think if there are decisions which state that it is a point of law and not a point of fact, that a conspiracy to depose the King involves in it the compassing his death; I do think they will have to decide then between the decisions and the statute itself, for I think it impossible to support the decisions by the statute. My apprehension upon the law is this, there are three things for the Jury to determine, and one for the court: the Jury are to find, as I apprehend the law to be, whether he compassed the King's death; second, whether he committed the overt acts charged in the indictment; and third, whether the overt acts have a tendency to bring about the treason that must first be charged, namely, the compassing the King's death. Those three points are for the consideration of the Jury, and there is one consideration only for the Court, which is, whether the overt act charged in the indictment be a good overt act in point of law, and such as satisfies the statute, after the statute has stated, in point of fact, there must be treason shewn—that seems the only thing left for the Court.

Gentlemen, having dwelt much longer than I intended upon this part of the case, and disposed, I hope, of the law, I come now to the fact.

Gentlemen,

Gentlemen, the charge against the prisoner upon the indictment is, that he compassed the King's death, and that he agreed that a convention should be held for the purpose of overturning the government, and deposing the King, in order to effect that purpose of his against the life of the King; and I don't mean to conceal that there are other counts in the indictment, stating he did this, not by the means of a convention, but by a general conspiracy. The Solicitor General, in his opening, stated in terms what he attributed to the prisoner: He said in terms, I attribute to the prisoner, a conspiracy to depose the King, and to do this by his own force, or by the force of those employed by him. Laying the statute out of the case, the charge is, he conspired to depose the King, and meant to do it by his own force, or by the force of those who might be under his controul, or those he might direct.—That is the object imputed to the prisoner; but I thus contradict the prosecution, and say, this never entered into the mind of the prisoner at the bar, or of those who had communication with him, till they saw it fixed in this indictment—We say he had an object, which he proclaimed to the world, which he communicated to his friends, who in confidence he conversed with, and that he never differed in his plan throughout his public life: he stated to the public his object, which was a Parliamentary Reform; that was his real design, and after the evidence which has been given, it is impossible for any rational person to doubt.

Gentlemen, the question is, whether he has conspired to depose the King by himself, or others under his controul, and the instrument stated by this indictment, and endeavoured to be proved, the primary instrument was this convention, that is stated as one of the overt acts committed, and which is to satisfy the statute which requires an overt act, and which shews a design to depose the King; and the ultimate design to bring him to death.

Gentlemen, let us consider from what it is you are to collect this design of Mr. Tooke's to depose the King—probably to set himself in his place; and to do this by force—It is proved, that on the 28th of March, a letter was received by him, as a member of the Constitutional Society, from the London Corresponding Society, proposing to the Constitutional Society that they should concur with them in certain objects—Let us see what those objects were; it says this, "whether you concur with us in seeing the necessity of a speedy convention, for the purpose of obtaining, in a constitutional and legal method, a redress of certain grievances under which we at present labour, and which can only be effectually removed by a full and fair representation
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of the people of Great Britain." And then certain resolutions are added—"That equal laws can never be expected but by a full and fair representation of the people, to obtain which, in the way pointed out by the constitution, has been, and is, the sole object of this society." The first question was, whether they should answer this letter, which asked, whether a convention of the Friends of Freedom should be called—The Constitutional Society agree it is fit to send an answer to this letter, that is, they agree to send an answer to a letter that proposes to them to do a thing not in itself unlawful, by legal and constitutional means, and their proposing to send an answer, I hope, was nothing illegal—then this is a conspiracy breaking out;—they propose a committee, and that committee is to confer; it is to be composed of delegates: and, on the 4th of April, a letter was received, acquainting this society they were to appoint others; the Constitutional Society do appoint a committee of conference;—and a great deal is to be presumed from the circumstance of this committee meeting, and meeting by delegates. What was not unlawful for the whole society to do, was certainly not unlawful in those they deputed—there was certainly no more criminality in doing it by deputation or delegation, than in their own proper persons—so far there was nothing criminal. The next thing is, the acts those people do, they are monstrous and atrocious; there is the overt act, there is the treason, there is the thing that shews and discloses the whole; it shews most clearly the object of those gentlemen, who proposed the convention to meet, was first to depose the King, and ultimately to bring him to death: it shews the despots had met—it shews that it was desirable a general meeting of the Friends of Liberty should be had, for the purpose of taking into consideration the proper method of obtaining a full and fair representation of the people. See the resolutions of the 4th of June, and that shews their opinion was, there should be a meeting of the Friends of the People, for the purpose of taking into consideration the proper method of obtaining a full and fair representation of the people. If their intention was as it is charged, it was not only the intention of those two societies, but of the members of all the societies to depose the King, and ultimately to bring him to death.—There is the hinge of the cause, there is the thing they rely upon, to shew that Mr. Tooke had by that means, attempted to depose the King, and by that means to bring him to death.

Gentlemen, it does not end there—there is more mischief behind, for the Society for Constitutional Information, when those acts of the two societies were brought before them, deliberate upon them, they consider what they should do, they debate upon the word 'convention;' it was thought by some the word

word 'convention' might give offence to weak minds, most unquestionably meeting, and convention meant the same thing, it did not signify whether they mean both or either; it was thought, if there were doubts upon the subject, they had better leave out the word 'convention; upon which the Latin word was put out and the Saxon word stood. A line was drawn round the words, 'or convention;' and it was to stand or not as it should be thought fit by the other society, and there ends the history of the word 'convention;' but that is not all, there was something behind, acts were to be done, activity was to be used, measures were to be taken for this purpose, some force was required, they began to muster, and they appointed a cabinet, called a committee of co-operation, formed of members of both societies. Look back to the resolution reported of both societies, and you will see what the real object of this was to be; they report there was to be a meeting for taking into consideration the proper methods of obtaining a fair representation of the people. Here is a meeting of the two committees for the purpose of considering what was the best measures to obtain the end they had in view, and which had before been reported in one of the resolutions. This is the construction I give to it, and this is the fair construction which the words themselves bear, this is the construction which every man, that had connection with the society, put upon it. No, say they, on the part of the prosecution, this was for the purpose of preparing to carry into effect that terrible conspiracy you devised of deposing the King.

Gentlemen, when you cannot find out what mens intentions are by declarations before hand, I confess there is no better way of getting at them than by seeing their acts after their resolutions. A great deal depends upon the acts, expressions, and writings of this committee of co-operation; and I think the acts of the committee of co-operation are pointed out by their resolutions. The gentlemen say, it was for the purpose of carrying into effect their conspiracy to depose the King—let us see what they did, they were appointed on the 11th of April; the first man who was arrested, I believe, was Mr. Hardy, on the 12th of May; therefore, this powerful energetic body, this body that was to act for all the rest, and to carry into execution all the treason in the minds of others, never did one single act throughout the whole of that space of time, which was more than a month from the time they were appointed to the time at which one of their members were arrested.

Gentlemen, have you credulity for this? Have you face to believe that a society, that appointed a committee of co-operation, who, according to the judgment of all, was to be carrying on that treason if any thing was to be done, I say, can you believe that
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that society had treason in its heart, when a committee was appointed to carry it into execution, remains silent and inactive, for more than a month doing nothing, and, I verily believe, not knowing what to do? This, they say, may be very true, we admit all that appeared above board, but although these people did certainly always hold out to the world, by their resolutions, that their object was to obtain a parliamentary reform; although the resolutions, and this committee of delegates, appointed as I have stated to you, reported that to be their object; although this committee of co-operation took care to do nothing for a month, yet there is a great deal more in this than meets the eye; they were long-headed men, and, like Lord Burleigh, who is brought upon the stage, in the farce of the Critic, and stays there a considerable time, they do nothing but sit down in arm-chairs and shake their heads; but, Gentlemen, there is a great deal more in it than you suppose, and we will shew you that in sitting still for a month, there is a great deal more activity than a man of common sense can find out. We will prove it to you, and there is evidence of it. I admit they have attempted to prove it by the only witness which, if it existed, could prove it, or if any man could prove the fact to be imputable to Mr. Tooke.—The Attorney General acted with his usual candour in calling them; he wished the whole case should be shewed to the Jury; he felt as I feel, and as you feel, that upon the face of this there was nothing in it; he felt, likewise, that those who were concerned in the transaction must know what it meant, and he determined to lay before you those witnesses who were concerned in the transaction, and who knew what their meaning was, and the meaning of those with whom they were concerned, and who were best enabled, when called upon to communicate the whole truth to you, and they have done so.

They call to you first the man who may well be considered as the repository of this great secret. They call to you the secretary of that society to which Mr. Tooke belonged, namely, Mr. Adams, and the object they had to make out, according to the law they stated, and according to the charge against the prisoner, as stated by Mr. Solicitor General, was, that he meant to depose the King, and to do this by his own force, or the force of those under him. One necessary part of their case was to shew they were prepared to shew themselves in arms, and that they had provided themselves with all the requisites necessary for furnishing out an array. My learned friend knew that money was the sinew of war, and that nothing could be carried on without it; they, therefore, call the secretary and banker of this society, Mr. Adams; he is questioned as to what those funds were by which the expence of this armament was to be defrayed, and he tells you that the

whole revenue of this society, the whole income of it was sixty guineas a year, and that the ordinary expences were fifty guineas, so that there remained, after all expences were paid, after all the officers of states' salaries were satisfied, after the candles were paid for, and all expences, there remained a surplus of ten guineas to overturn this government, and for providing an army whereby it might be overturned! Ten guineas is a great deal of money in England, and, to be sure, we might go a good way with it, but it happens they have not the whole of it, for, upon cross-examination, the secretary says, that though the expences were only fifty pounds, and their revenue sixty, yet he generally was obliged to be in advance, so that it was only by issuing bank bills out of this society that they could pay their troops. So much for what I call, and what certainly is the sinews of war, the support of the force by which the government was to be overturned, namely, the money.

Gentlemen, to be sure it may be said, this is true, if this was all the money they had, which came from the Constitutional Society, but there were other societies that had more. The Constitutional Society was not the only one relied upon, though we all remember the Constitutional Society has been held up to the world as possessing those funds from which the other societies were to draw. All those known traitors, and all those men who have done these acts, and all those men they think so criminal, were all poor dogs; these are all the rich men, these are the bank holders, these were the men possessed of property, and who could alone support any thing of force in this country. I can never be told, if there was not money here, there was any any where else, and if this great national bank failed, there was nothing to supply them, and they were to go to war without money; and, I think, it appears that not a single individual would undertake the cause without money, for there is not any proof in the cause that those who undertook the conspiracy, were hereafter likely to get any reward; therefore, so much for the funds of this society. Upon this part of the subject it was proved, and Scotland is a cheap country (my learned friend knows it—he assents to it), a man can live in Scotland a great deal cheaper than in England, and a great deal of money would not be necessary for the residence of one single person, and yet so poor was this rich society, so destitute was this fountain, from which all the other societies were to draw, they could not find money enough even to support a delegate to send to the convention at Edinburgh; and Yorke even refused to go when a parcel of individuals had elected him to go to the British Convention at Edinburgh, as the whole society could not raise money enough to support him in that cheap country, Scotland; and it is proved he refused to go for that reason only.

But, Gentlemen, there may be arms to put immediately into the hands of all the members of all these societies; there may be a preparation to arm them against the government, and the prosecutors may say, though, in the whole course of the business of this conspiracy for a convention, they have not proved any thing that fixes direct criminality upon the prisoner; they have not proved any thing upon their books—yet this secretary, this man, who was in all their secrets, may be able to prove to you, probably, not only what their objects were, but the means of accomplishing them; or if there had been any preparations for arms, or any muskets, or any hand-knives prepared for carrying this great design into execution; he was questioned as to that, I forget whether by the gentlemen on the other side, or who asked him, but he was asked—Whether, during the whole time he continued in this society, from the time he entered into it, to the time he left it, and during his attendance on it as secretary—whether he ever heard any conversation between members of it, or a single mention made of any arms to be put into the hands of any of those societies, or any force in any way to be used? He tells you in direct terms, that he never heard any thing of such proposal; that he never had any suspicion of the kind, though he was constantly present, and was their secretary, and that never a hint was given by any individual in any of the societies that communicated with the Constitutional Society, and that out of the society itself, he never heard a hint of this purpose intimated or connected with it in any way whatever. He tells you he was acquainted with Mr. Tooke, that he knew his secret thoughts, and it was hardly possible but in some unguarded hour of his life this intention should not have burst forth; and he tells you he never heard, or believed, or suspected, or had reason to think any other person believed or suspected, there was a design in Mr. Tooke, or in any individual member of the society, ever to act with force against this government, much less the preparing of arms, or force of any kind, for the purpose of acting against it.

Well, but Gentlemen, there might be another thing, there might be another ingredient in this cause, which would serve a cause of this sort better than any thing they can have recourse to; there might be a secret committee, and if they could have established before you, that there had been a secret committee in this society, they might have argued that this secret committee concealed from all the world all it intended and all it did, yet did all those acts that are imputed by this indictment; but even that miserable argument is shut out of the case, for when Mr. Adams was asked—Whether they had any secret committee? He says no; that nothing was done privately; that all their proceedings were open, that nothing was
done

done that the public did not know, and the greater part of what we did was published in the newspapers. So much for the secret committee; but then there was a committee of correspondence; Mr. Adams does say, I admit, that fact stands against us, and that there existed in this society a committee of correspondence; but of what sort of correspondence, a committee of correspondence that rarely or ever corresponded, and it was a subject of constant ridicule, because their name accorded so ill with their employment. Well, but say they, however little you have proved, you hold out to the world your object was a parliamentary reform, and we are now to see whether that was your object or a pretext, and we will shew it was not your real object, but that it was a mere pretext; and then they infer from thence, not justly, I think, that because a parliamentary reform was not our real object, but a mere pretext, that, therefore, we were conspirators against that government. I don't care if you come to that conclusion. I don't care if you fall in with that argument, and if it was a pretext that we were conspirators, and that it was an offence against the government; but I don't mean to admit they have proved that, for I undertake to shew that a parliamentary reform was the real and sincere object of the gentleman at the bar, and of all those with whom he acted, at least as far as their objects can be known, that was their object and no pretext. I said I would shew it was no pretext, if it was necessary, but it is not so, because the prosecutor has shewed it for me, for he, in calling those men who were acquainted with the objects of the society, put the cause on the issue of their testimony; they were examined as to what were the objects, and Mr. Adams, who was the secretary, was questioned to that point, and he tells you, in terms, that from all he ever saw, and from all the conversation he ever had with the people, he verily believes their real object was a parliamentary reform, and that it was not a pretext. He says, all his conversation with Mr. Tooke, and it was not necessary to question him particularly, tended that way, and proved he had that sole end in view. Upon being questioned about some expression as to the 'great end' upon which they were to co-operate, mentioned in some of the resolutions, he tells you, that 'great end' was a parliamentary reform; there too they have failed; in every part of the case, where they should have been the strongest they failed. They called Mr. Adams, who must have known not only the acts, but the intention of this society, and he expressly negatives those two parts of their case, and proves that a parliamentary reform was not a pretext; that their object was not to depose the King, or to overturn the government, or to employ force for doing this.

But, Gentlemen, Mr. Adams is not the only witness upon the subject, it was a main object with them to shew this was a

wicked conspiracy against the government, that it was a wicked wide-spreading conspiracy, not confined to these committees or societies in town, but that all the country societies were connected; and they have produced, I don't know what number of letters and addresses, some received in London, and some not, for the purpose of shewing, that persons at Sheffield or Norwich were connected with Mr. Tooke, and the other conspirators concerned with him, for the accomplishment of this 'great end.' The indictment states that Mr. Tooke conspired with the persons named, and others unknown; then these Sheffield people are the unknown conspirators, and it was one step in the cause to prove, that those people at Sheffield were conspirators with Mr. Tooke, and had those views imputed to him. They call Mr. Broomhead, the secretary of a society at Sheffield, and the same observations occur to him as to Mr. Adams. He is questioned as to what the real objects of the society at Sheffield were; and he, who is a witness for the crown, tells you that the people at Sheffield, who are said to be conspirators with Mr. Tooke to overturn the government, he tells you that their real object was a reform in the House of Commons, and no other; that they had not the smallest intention either of attacking the person, the authority, or the character of the king, or of attacking the nobility of this country, their complaint was against the House of Commons; they believed corruption had been introduced into the state, by that corruption which they thought existed in the House of Commons; they looked to a reform in the House of Commons, and no other place, and that was the sole object of their society; that with respect to producing even that reform by force, no ideas of the sort ever entered into his mind, or into the minds of any other person whom he knew at Sheffield; and if he had believed any such design existed, he would have quitted the society; that he loves the King and constitution; that he is attached to it, and believes it to be the best that does or can exist; yet he thinks that there are defects, as there are in all human institutions, in one particular branch of it, namely, the House of Commons; and, believing, that by a reformation in that branch, it would come nearer to that state of perfection, to which he thinks it approaches, than any other under the sun.

This was the evidence of Broomhead, who could be called by the Attorney General for no other purpose than to shew the people of Sheffield had the same views with the people in London. Look to his evidence and then say whether there is criminality in having the same views—the views are a parliamentary reform, and the means of obtaining it peaceable and quiet.

Having failed in Broomhead, they call Widdison, he is a witness who is presented to you under circumstances that make him not likely

likely to be favourable to the cause of the Sheffield people, and he is called to shew their sentiments. He tells you he had been of opinion formerly, as many other Sheffield people were, that annual parliaments and universal suffrage were the best means of removing the existing evil in the constitution; but, upon further consideration, he had altered that opinion, and he thought that universal suffrage was going too far; he thought the privilege of electing members of parliament by universal suffrage would be committed to men who were not fit to have such a trust reposed in them, therefore he withdrew himself from the society. Entertaining this different opinion, and withdrawing himself from them, one may expect he does not give his evidence with any prejudice towards that society; he says, he differed from them, but he is perfectly sure the objects of that society were sincere, that their real object was reform, and that they had no other; that they acted upon the Duke of Richmond's plan, that they wished to carry it into execution, that he, at one time, wished the same thing, but has altered his opinion; he says, they were all attached to the constitution, and that they loved the King; but then it is supposed that this witness, from Sheffield, will be able to prove the objects of this society were to be effected by force, and then, if you can fix this object upon the Sheffield people, who were conspirators with Mr. Tooke and the rest, that their design was to carry their object into execution by force, then it proves they are conspirators to overturn the government. What does Mr. Widdifon say with respect to arms? and this is the only evidence in the case by which it is attempted to be proved, that any thing like offensive weapons were prepared for carrying this great plan into execution, and they thought it necessary to give some evidence of it, as appears from their asking the question; and from their not giving any further evidence of it, I am fully justified in concluding they had no better evidence to give. Widdifon does admit that a dozen of pike-shafts was ordered from him by one Davidson, but he says, they were ordered for their own defence, that they had not the least idea of using them against the government, and that such a notion never entered into their heads. He told you there were two parties at Sheffield, that he was of one party, and that others were of another; he says, that acts of personal violence had been offered, that their houses had been beset, and that they were threatened by those persons called Aristocrats, who said, in terms, that if an invasion happened they would fall first on them; and those same people, at Sheffield, thought it prudent, when such threats and violent conduct was held out, to prepare some means of defence, and upon that account, as it appears to you, there was a dozen pike-shafts ordered by Davidson. If the purpose of these pike-shafts had not been explained in a case of this sort, where it lays upon the prosecutor

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to give you some reasonable evidence, to think some force was prepared in order to act, this would be nothing; but when it stands explained, not as I have explained it, but as explained by the witness, if there were ten thousand shafts instead of twelve, it becomes totally irrelevant, for the prosecutor's evidence tells you those pikes were made for a perfectly different purpose.

But, Gentlemen, unfortunate as the prosecutors have been in calling to you these witnesses, who must know, I should suppose, if there had been a conspiracy in London, that it did exist, and if there had been a conspiracy at Sheffield, that it did exist; I say, unfortunate as they have been in the examination of these three witnesses, they still think they have a strong man behind, and they call him last, in order to make an impression on your minds, therefore the last witness they call is Mr. William Sharpe. This selection was judicious, because they must have hoped to prove by him all that which, if it existed, he must know. Consider who Mr. Sharpe was—He was a member of the Constitutional Society, and in that character he must have known a great deal of their proceedings—He was a member of the committee of conference, in that character he must have known all that happened among the delegates of the society—He was a member of the committee of co-operation, and in that character he must have known all that passed in that committee, which was to carry into execution, and which was the agent for perfecting the treasonable purposes in the minds of the rest, and not only so, but he is stated in the indictment to be one of those with whom Mr. Tooke and the others conspired to bring about the deposition of the King, and to accomplish this treason. It is stated, that he conspired with William Sharpe, and divers others; therefore, William Sharpe must know fully all their characters, he must know whether he did so or not, he is, therefore called, and he is examined as to Mr. Tooke's principles—the first thing that comes from him is this, that Mr. Tooke had often declared he had rather be governed by St. James's than St. Giles's. If there is any truth in this case set up, I should like to know whom Mr. Tooke wished to be governed by, if not by St. James's. It is not pretended, as has existed in most cases of conspiracy, that there was a prince contending for the throne, which that party wished to introduce—No such thing. Mr. Tooke is not stated to have that object. The object stated to be, is that of overturning the present government. Then if the object was to overturn the present government, and let every thing go to confusion, which necessarily must have been introduced, that government, which Mr. Sharpe is made to reprobate, must have been introduced and instituted in the place of St. James's. He says, that Mr. Tooke and he had frequent communication together

gether upon the subject of the constitution of this country. He tells you that Mr. Tooke always spoke of it with regard and reverence, and that he always expressed himself attached to the King and Lords, with that firm, steady, and inflexible character which is proved to belong to him and his opinions; but that he always spoke with detestation of what he thought corruption in the House of Commons, and always declared his intention to do what laid in his power to correct that abuse.

Gentlemen, the question put to you is—Whether these declarations, with respect to a parliamentary reform, were real or a pretext only? And whether, instead of pursuing a parliamentary reform, Mr. Tooke was really pursuing a plan, the object of which was to depose the King, and then to destroy him? Mr. Sharpe is, therefore, likely to know whether he entertained such objects or not; and is more likely to know than any man the prosecutors have called, for he is a man not only in the place of a delegate, and connected with the society, but intimately acquainted with him, not only visiting him but in his confidence; and this man, with all these opportunities, is questioned, over and over again, whether he believed this was a pretext in Mr. Tooke, or his real object? He tells you, as often as the question is asked, he does believe that Mr. Tooke's real object was to reform the Commons House of Parliament, and that his constant conversation went that way; that neither in nor out of the society, was force against the government ever thought of, and that if it had, neither he or Mr. Tooke would have remained members of it.

Then, Gentlemen, what becomes of this charge, so disproved by those witnesses, who were called to prove it. The written evidence does not prove it, and the conduct of those committees, as it appears stated in the resolutions, proves merely an intention there should be a convention, in order to supply that defect, though their objects were different from what they professed, and was a mere pretext, in order to shew, as the Solicitor General stated, though they had monarchy upon their lips, it was furthest from their hearts; in order to shew this, they call the secretary of the society, who is a member of the committees of conference, correspondence, and co-operation, to shew they had different intentions from those they stated; and they call Broomhead and Widdison, from Sheffield, to shew they had a different object, and that they conspired with them; and yet all those witnesses, every one of them called to support their case, and to support it where it failed before, namely, to prove that a parliamentary reform was a mere pretext, and that the real object was to depose the King; all these witnesses are questioned, Whether this was a pretext? whether a parliamentary reform was or was not

not their real object? whether they had a design to act by force? whether they had affection for the King? whether they were satisfied with the government at large, as formed of King, Lords, and Commons? and they all concur in telling you, that a Parliamentary Reform was their sole object, and not a pretext; that there was no design in any of them, or in any that they knew, to attack the government, or to use force against it; that they revered and respected the King; that they revered and respected the nobility of this country; that their complaints were only against the House of Commons; that they believed corruption to exist in that House; that that corruption was the cause of the evils they complained of; and they would, as they have, steadily and uniformly pursue that which they believed formed the foundation of all their complaints, that is, a Reformation in the Commons House of Parliament.

Gentlemen, it is no light consideration in this case, that the character given to Mr. Tooke, by all the witnesses, is that of a man entertaining a firm, steady, and inflexible opinion, and you will recollect a declaration of his, when speaking upon political subjects, that he verily believed, if there was any tumult in this country, he should be the first victim; and I will tell you why,—he has pursued his object of a parliamentary reform with firmness and steadiness; nothing has called him aside from it; he has pursued it through a plain path; and the consequence has been, that some men have been connected with him to-day, who had the same object in view and others have been connected with him as to-morrow, when those, who were connected with him yesterday have left him. That has been his career through his political life; he has looked to nothing but one object; he has had men attached to him while they thought it good, who have deserted him when they thought it bad—That is the reason he has had no set of political friends attached to him, and why he has attached himself to no party, but to the pursuit of that which he believed would be for the real good of the constitution, if brought about—that is, a certain mode of Reform in the Commons House of Parliament.

Now, Gentlemen, with this witness, Mr. Sharpe, the evidence for the crown closed, and as it applies to the overt act in the indictment, which states the calling of the convention, or rather the five or six overt acts, all connected with calling the convention—the facts that are proved are merely these, that certain committees did meet and take certain steps towards calling a convention, for the purpose of procuring a full and fair representation of the people. These are the facts that shew the existence of the overt act, or rather part of it, so far as it is stated in the indictment of holding this convention; but they

must go on to give a colour to the conspiracy, by shewing the object of it was to depose the King ; for the purpose of doing that I have already observed to you, they have called those witnesses who must know whether this colour was to be given to the acts or not, and instead of proving it, they have absolutely disproved it—they have disproved any knowledge of an attempt to proceed by force—they have disproved any preparation of arms—they have disproved any intention in the members of the society to overturn the government—and they have proved, affirmatively, the real object was not to depose the King, but to obtain a reform in the Commons House of Parliament ; so stands the case, as it was intended to be proved on the part of the prosecution against the gentleman at the bar, who is charged with forming a conspiracy to call a convention, for the purpose of overturning the government, and deposing the King, which must be by force, as was stated by the Attorney General.—These are the proofs of that fact, they feel this will not do, and they say, though this does not prove it, though these witnesses, who, if the design existed must have known it, have sworn no such design did exist, though they have sworn a design perfectly inconsistent with what we charge, was the real object of all these people, namely, a Parliamentary Reform ; though the witnesses for the crown have, as far as any thing can, disproved the case which the prosecutors want to make out ; yet they say, there are other circumstances in the case, which point out this consultation to call a convention was in order to depose the King ; or if they don't make that out, they shew there was a general conspiracy entertained, in which Mr. Tooke was concerned, in order to overturn the government of the country, and to depose the King, which is a pretty general statement of the accusation.

Now, Gentlemen, in order to make out this, they produce to you a multitude of papers to make out this part of their case ; some of them were found in the Constitutional Society, and some in the London Corresponding Society—they consist of letters, addresses, and resolutions, which are brought forward for the purpose of pointing out the intention of calling this convention, and shewing a general conspiracy to overturn the government, and depose the King. They read a number of addresses which we have not access to, for even the books of the Constitutional Society were seized, and taken out of the custody of Mr. Adams, and have never been in our custody since. We have no means of preparing our evidence from them—we have been denied the examination of the books ; I don't mean in court, but we have only had the opportunity of looking at them while we were going on with the other evidence, and all these papers we are now

overpowered with, which it is impossible for us to look through accurately. For the purpose of proving against us there was a general conspiracy in the kingdom to overturn the government and depose the King, and that Mr. Tooke was an actor in that conspiracy, they have produced papers that took upwards of thirty hours to read in court, by which our attention is distracted and confounded, and upon which it is utterly impossible for me to observe, because no human strength is equal to it. Some of them might come to Mr. Tooke's knowledge, and some might not—You have heard the way in which Mr. Adams has given the account of keeping the books, and of taking down the names when some of the persons in reality were not present in the evening, although they attended at dinner; for he tells you, that a number might sit down to dinner, though they might not remain till the resolutions were passed.—It is impossible to separate those from that mass of evidence which has been produced, after all the care and pains taken to select them; and I appeal to your own observation, whether there has not been infinite difficulty, on the part of my learned friends, in assorting and arranging what they should produce, and yet you will recollect, my two learned friends, the Attorney and Solicitor General, have had this business before them for more than half a year; they have attended before the privy council, and there is not a paper which they have not had an opportunity of arranging, observing how it bears upon the case, and what papers introduced would affect the prisoner, what would not, and what might explain the charge which is made. We have had no such opportunity to discriminate, we scarcely knew what they have produced—these papers, that took thirty hours reading, they have certainly produced in no sort of arrangement, they were not produced chronologically, or as one paper bore upon another, and yet you are desired to believe, notwithstanding all this confusion, that there existed a conspiracy to overturn the government, and depose the King, and that Mr. Tooke was concerned, and an actor in this conspiracy.

Gentlemen, it is too much to defend many of those papers read—many of them give great offence, and are very improper, and such as a thinking man would disapprove, but they are not acts of high treason; if there had been any one of those papers that could be relied upon as an overt act of high treason, it would have been so relied upon, and would have been stated to you, but there is no one of those papers produced that can, by any possibility, with the evidence tacked to it, which is produced in this case, amount to an act of high treason. I would call you back to the consideration of what the question is that you are trying—whether Mr. Tooke has compassed the King's death,

death, and whether he committed any overt act shewing his intention to compass the death of the King; and I affirm, in point of law, there is no one act proved in the mass of papers that has been produced against him, that can be considered as an overt act of treason. Addresses to a French convention, I should argue upon as my learned friend argued very ably in support of, from my Lord Stafford's case, that if no one of these acts are sufficient to prove high treason, they cannot altogether amount to high treason; there is no such thing as accumulative treason; there must be a compassing the King's death—and there must be a precise distinct act stated, and proved to have been done by the prisoner in the prosecution of that design, and stated to be in the mind of the prisoner, and contrived by him against the King's life. The addresses to the French were all before the war, and they are not acts of high treason—If they had been received after, it would have been differently stated, for the charge would have been not compassing the King's death, but adhering to the King's enemies. But at the time he assists the French, they were not the King's enemies—they were not at war with us—he had a right to assist them; their government was a good one; he wished that government not to be altered—he supported them, and he had a right to do it; for, as my learned friend stated to you, if peace was to be made to-morrow or the next day, those subscriptions and addresses might be repeated, and they might be repeated lawfully.

Gentlemen, a great deal has been said about the Scotch convention, and it was insisted that the sending delegates to the Scotch convention was an act of high treason, and that conspiring to send delegates to a convention was of course an act of high treason. Let us see how that stands in point of fact—There was a meeting of the Constitutional Society, to consider of sending delegates to the Scotch convention—there was an extraordinary meeting held for the purpose, and Mr. Tooke was desired to attend that meeting, but he would not; two of the members conversed with him upon it, and he told them he disapproved of the object—he told them he thought it a foolish thing, and that he was an enemy to the object of sending delegates to the Scotch convention. It appears he was not present at the meeting which was thought a smuggled meeting; then if Mr. Tooke who was a member of the Constitutional Society, was not present at the meeting when those delegates were proposed to be sent, and if so far from being present, he disapproved of it, and expressed his disapprobation, and stated himself as thinking it improper, surely it will be too much to fix him with any part of the proceedings of the Scotch convention upon that ground—But there is another ground

upon which they endeavour to fix it upon him—Yorke was one of the delegates proposed to be sent to the Scotch convention, but because they had no money to support his expences he refused to go, upon which Sinclair afterwards was chosen, and he went, as it stands admitted; but Mr. Tooke had nothing to do with sending him, for it is proved, and indeed must be admitted, that Mr. Tooke disapproved of any being sent; but after Sinclair had been sent, after he had sat in the Scotch convention, and after that Scotch convention had been dispersed, and Sinclair prosecuted for a misdemeanor, as a member of that convention, and had a punishment inflicted upon him—but I say nothing of the court, or of the judgment, it is not my business; I only say, a punishment had been inflicted, which in the judgment not only of himself

Mr. Tooke. The Lord Advocate withdrew the record, and he was not tried.

Mr. Gibbs. Was he then under prosecution?

Mr. Tooke. I believe he was.

Mr. Gibbs. Gentlemen, I stand rightly corrected—Mr. Sinclair was not tried, although he was prosecuted; and I am much obliged to the accuracy of the gentleman at the bar for correcting me. Mr. Sinclair had not a judgment against him, but still it is imputed as a crime to Mr. Tooke, that when Mr. Sinclair was in distress he was assisted by Mr. Tooke, and being in that great distress, Mr. Tooke, I admit, did write a circular letter, petitioning for a subscription for Sinclair, though he disapproved of his being sent to the convention, and because he has thrown passages in it, the object of which was only to excite compassion, and to make them draw their purse strings, though he actually disapproved of a delegate being sent from the Constitutional Society to that convention, it is endeavoured to implicate him in guilt for sending this charitable letter, the object of which was to obtain a subscription for the relief of Sinclair.

But, Gentlemen, I don't stop there; I will suppose that Mr. Tooke, instead of absenting himself when Sinclair was chosen as a delegate, had been present; I will suppose, that instead of dissenting he had assented; I will suppose, that instead of agreeing that another delegate should be sent he had been sent himself; still I insist, that nothing has been done in Scotland that amounts to an act of high treason; and I insist here as I insisted on the last trial of Mr. Hardy, that I have the highest authority to say, nothing that was done in Scotland amounted to high treason, because those who were actors in that scene, those who were delegates, those who set in the convention, those who

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passed those resolutions which are now considered as the most criminal, were themselves in that country, and no doubt, by the advice of the great officers of the crown, prosecuted not for high treason but for misdemeanors—I have therefore the authority of those who prosecuted them to say, the acts done by the Scotch convention were not acts of high treason; I have the authority of the judges who tried them for saying the same thing, because, if those judges had thought those acts committed by the prisoners were high treason, it would have been their duty not to have suffered them to have been convicted for a misdemeanor, but to have told the jury the nature of their crime had been mistaken, and that therefore, upon those indictments for misdemeanors, they must be acquitted upon that charge, but they might be indicted again upon the charge of high treason; so that, take it either way, I insist the acts were not high treason. Improper resolutions I admit passed, those resolutions which talked of resisting certain laws when they may be made—what resistance is that?—they say they won't regard any act of parliament for dispersing the convention until they shall be removed by a superior force. What is their conduct upon that?—I don't remember whether the conduct of Margarot was given in evidence, but the way in which they were dispersed was this, the Sheriff attends, and the President sits in the chair and says, 'I hold what I am doing to be legal, and I will not give you, out of my own mouth, an authority that you may legally disperse us; I think you cannot do it, and therefore I desire some force may be used;' upon which the Sheriff takes him by the hand and leads him out of the chair—That explains the dissolution of the convention, and that shews what sort of force they expected—they will not admit there is a right in the magistrates of the country to disperse them—they will not admit there exists a right to disperse them; but if the magistrates come and do disperse them, they don't resist by violence—they only say, 'we insist upon the legality of the act, and if you do disperse us, it shall be by your power, which we call force.' I don't care what construction you put upon the act, for put what construction you will it is not high treason, and for that I will refer the court to a case, the authority of which has never been disputed—that is the law which has been laid down by Lord Holt in the trial of Sir John Frenck. He states what sort of war it is, the conspiring to levy which, is high treason—and what sort of insurrection that is, the conspiracy to raise which is high treason. Let us see what he says—he says, it was insisted by Sir John Frenck, that a mere conspiracy to levy war did not prove a compassing the King's death, and therefore was not treason. Lord Chief Justice Holt says, the statute
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has been read; but, says Sir John Frend, there is no war actually levied, only a bare conspiracy or design laid, which does not come within the idea of rebellion; but if the design be to kill the King, or depose him, and there is a consultation or conspiracy to levy war for that purpose, it is high treason.—Speaking afterwards of insurrections, he says, if persons do assemble themselves, and act with force in opposition to some law, hoping thereby to set it aside, this is levying war and treason; but the proposing and designing to do it is not so—then supposing the law actually to exist, if a man or any body of men, take up arms to oppose the existing law, that is high treason, because it is levying war; but if they merely propose to do so, if they merely consult how they may raise an insurrection to oppose an existing law, that, according to the doctrine of this case, (which has never been shaken, but which has been adopted by Justice Forster in his books) that is not high treason. Going on, he says, “when men endeavour, in great numbers, with some force, to make reformation in the government, of their own heads, without pursuing the methods of the law, that is levying war and treason; but the proposing and the design of doing it is not so.” Compare this with the resolution in Scotland—does it come to any thing more than this, that if a certain law shall be passed, they will resist it?—I will suppose they meant to resist it by force, but if they did, the consulting to do it would not be high treason; much less would it be so to consult how they might resist a law which was not passed; so that, reasoning *a fortiori* from this case of Sir John Frend, it is impossible to implicate the actors in the convention at Scotland in high treason. What is the intention here?—it is not to implicate the movers of that resolution, and those who were framers of it in high treason; they were prosecuted for misdemeanors, but it is to implicate persons who sent those delegates, not that I agree Mr. Tooke did so, but the object is to implicate those in the crime of high treason who sent delegates, though the delegates themselves were prosecuted for misdemeanors only; and upon the best of all grounds, that, in point of law, the acts they did were not high treason, in as much as the utmost that can be made of it is, that it was a consultation to oppose the authority of a future law which might be passed, which, it never has been disputed, is not high treason.

Gentlemen, the same observations arise upon another act that is imputed to Mr. Tooke, that is, adopting those resolutions which were passed; and I see now how my mistake arose, for I was confounding Sinclair's case with Gerald's, though the same observations arise upon Gerald's case. Those resolutions reflected upon the judgment of the court of Scotland, and how-

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ever improper you may think them, I am free to say they were not high treason, and therefore they do not apply to the prisoner in this case;—and there is another strong reason why they do not apply to him—he was not present at the time they passed: Mr. Gerald was present, and Mr. Tooke was in the chair at the beginning, but he left the chair while those resolutions were going on, and Mr. Gerald himself, the man who was so stung with the apprehensions of the judgment, because there had been judgments passed with severity against other delegates, and he was then waiting for his trial—I say stung with the apprehension that the judgment he was complaining of would pass against him, he proposed and agreed to the resolutions; but Mr. Tooke left the chair, because he would not agree to them.

Gentlemen, then another crime imputed is, that he has approved of Mr. Paine's works, and, I believe, of Mr. Barlow's:—He has so—but is a man answerable for every part of a book to which he gives his approbation?—Does it not appear to you that this is a fair way of construing such an act of approbation?—See what the general principles of the man approving are—see what his general object in life is—and see what his object at the time was—if you find any principle in that book tending to that object which he has professed to be his real one, those are the parts of the book to which his approbation must apply, and not the others. Let us see how that appears: they called a witness from Sheffield, to shew that Paine's works had been approved of; they questioned the witness as to the approbation which had been given to Paine's works, and the answer was—we entered upon the Duke of Richmond's plan, and we fell in with so much of Mr. Paine's book as fell in with that plan, and they used Paine's book as a means of promoting that plan which they had formed for carrying their object into execution; but it would be abominable to fix them with all the principles contained in Paine's book, as applicable to the government of this country, because men approve of the book who pursue a certain object, to the prosecution of which object other parts of the book contribute.

Gentlemen, you have a further explanation of this from a witness called by Mr. Tooke himself, a Mr. May, a gentleman at the bar, and he tells you he has known Mr. Tooke for several years, that he has been at his house, and has conversed with him in hours of conviviality, when they had drank much wine, and in their sober hours, and he tells you, he had a curiosity to know what his real sentiments were, and he found him always attached to the King and the aristocracy of the country, that is, the nobility of the country, he always spoke in their
favour;

favour; and he conversed with him upon Paine's book, called the Rights of Man, and Mr. Tooke reprobated Paine's idea with respect to monarchy, as applying to this country. He always said this country was not fit for a republic; but he constantly said that his object was a parliamentary reform, which he thought ought to be pursued by all good citizens, as, in his judgment, it would tend to confirm, instead of overturning the constitution. He approved therefore of those parts of Paine's book which had that tendency, but he disapproved of those which had a different tendency. Out of all these together, out of this monstrous farago of papers, these addresses to the French, the subscriptions, the Scotch convention, the business of Gerald and Sinclair, the approbation of Paine and Barlow, out of all these circumstances, they say it is to be collected that Mr. Tooke has conspired, with others, to overturn the government, and depose the King, holding out a Parliamentary Reform as a mere pretext to cover it, and that he conspired to depose the King, and to overturn the government, and that by force; for that it must be, and it was stated so by Mr. Solicitor General in his opening, that what he charged Mr. Tooke with, is conspiring to depose the King, and to bring about that deposition by force, to be used by himself or by others that were to be employed by him.---Now what force have you any evidence of in this case?---will you collect from this parcel of papers circumstances upon which I confess I have been able to make only general observations---will you collect from them there was force on foot?---will you say that Mr. Tooke had an intention to take arms, or to put arms into the hands of any person, when not a tittle of evidence of that sort is brought? The charge cannot be proved without proving the existence of prepared force; there is no evidence of it; and yet will you collect this---will you infer it---or will you believe that which is not produced in evidence to you, merely for the purpose of convicting a man? I agree with what has been stated by the Attorney General, and what his Lordship laid down on the last trial, that it is not necessary the force should be adequate to the end, or sufficient to produce the purpose; but I do insist, that in order to make you believe it was the object of the prisoner at the bar to bring about a certain purpose by force, there should be some reasonable evidence given that something like force existed, which he had in his power to use, or that there was something like preparation of force to be used hereafter.---Can you make any thing of it without this, in a case of this sort---is any thing proved of it---have they shewn that some person pretended to the crown, who was ready with an army which they might attach themselves to? In all the state trials which have been

been had, there was a pretender, there were plots in the country, and if there was not a force, in fact, in this country, there was constantly a force in a neighbouring country, I mean France, ready to co-operate and ready to assist that force which might be collected here. It is credible, in that case, that men who conspired to depose the King, would raise force to which others might attach themselves. But is there any force in this country? Are there any arms in the hands of any men to whom others might attach themselves? There is nothing in the world in evidence here but twelve pike shafts, spoke to by Widdison of Sheffield, which he made for the preservation of those who thought themselves in danger from the attack made upon them there. So much for the force, which, if you don't believe, it is impossible you can convict the prisoner, because the charge is not made out—And is it possible to shew any thing he did to bring that object about?

Gentlemen, it is charged against Mr. Tooke, that he conspired with some who are named in the indictment, and others who are not named, to depose the King. Who are those persons with whom he conspired? One of them is Mr. Hardy, but he is withdrawn from the conspiracy, for the verdict of the Jury has found that Mr. Hardy, whose name stands first upon this indictment, the great leader of the conspiracy, the secretary of the most obnoxious society, the man who is supposed to be the generalissimo of all these troops, the manager of all these treasons, whose hand was in every thing, he, I say, has been acquitted by a Jury of his country. The charge against Mr. Tooke is, that he conspired with Hardy and others to overturn the government of this country, and to depose the King. Hardy is placed in the front of the battle, and if they placed his name first in the indictment, by mistake, it was not necessary to try him first, it was at the option of the Attorney General to try which he pleased; but Hardy is brought forth the first man to be tried. Did they not wish to get a conviction in the first trial? Do you think it was not the great object of those who set these prosecutions on foot, to set off with one upon which they could get the verdict of a Jury of their country? Would it not have been a great thing for them to have laid before the public, and before another Jury, the conviction of Hardy, if he had been convicted? But he was acquitted; and has it not been determined, in this case, that the judgment of the acquittal of Hardy is evidence? Can it be said, that if he had been convicted, the judgment of his conviction would not have been evidence against Mr. Tooke? Had they not, therefore, every inducement and encouragement to put forward their strongest case; the case on which they most relied; the case of the man to whom they could bring every thing home, and the case of the man whom they supposed to be

connected with the inmost thoughts of these conspirators? Don't you believe in the judgment of those who conduct this prosecution, that Mr. Hardy's was the strongest case, that he was the arch-conspirator, that he was the leader of all the others, and the person who set all this imputed mischief on foot? Would it not have been dinged into our ears, if Mr. Hardy had been convicted, that this indictment was proved, and that they had only to shew Mr. Tooke conspired with Hardy, Bonney, Joyce, and the others, for that they had got through the difficulty of getting a conviction, to prove that there was a conspiracy on foot in this country, and that Mr. Hardy, the secretary, was at the head of that conspiracy, that he was the man with whom Mr. Tooke had connected himself? Should we not have heard it from every man on that side of the table, if they had had an opportunity of saying it, that the great business was done, that they had shewn a conspiracy existed, that there was no doubt about it, for that a Jury of twelve honest men of the country, to whose care the life of the prisoner had been committed, feeling like honest men for their country, but feeling also for the prisoner, had felt themselves bound to say, upon their oaths, that Mr. Hardy had conspired with others, and was guilty of high treason, and that there existed that conspiracy which the Attorney General stated; they would have said the only step now is to shew that Mr. Tooke was concerned in that conspiracy. I borrow all these arguments, in favour of Mr. Tooke, from the acquittal of Hardy, who, I say, was stated to be a joint conspirator with Mr. Tooke, and implicated in the whole of this business; he has been tried by an honest Jury of his country and acquitted. And, I say, that they ill conducted themselves in their attention to the cause, if they were not moved by the address of that very eloquent and learned gentleman, who is now leaving the court (the Attorney General), to feel they had a strong duty upon them; they did feel it, and they felt likewise it was their duty not to find a fellow-subject guilty of high treason, unless the proof against him was in the language of the law, plain, direct, and manifest. Upon the proofs produced against Mr. Hardy, they were of opinion that he was not a conspirator with Mr. Tooke; that there did not exist a conspiracy, in which Hardy and the others conspired, to depose the King, or overturn the constitution; and, therefore, they acquitted Mr. Hardy; that verdict of acquittal, which has absolved Mr. Hardy from the charge brought against him, absolves Mr. Tooke also, which states that he conspired with Hardy to overturn the government. Mr. Hardy, the man whom they brought forward in the front of the battle, has been found to be an innocent man, and so, I trust, you will find the gentleman at your bar to be.

Gentlemen,

Gentlemen, in proof this conspiracy, in which Mr. Tooké is stated to have participated with Hardy, he is not the only person with whom he is stated to have participated. Mr. Sharpe is another, he is not one of the known traitors, but he is stated to be one of those persons with whom Mr. Tooke, and the others, conspired to overturn the government and depose the King. I will not repeat to you all the observations I made as to the situation in which he stood, certainly he knew whether he was a traitor or not, and none of the others could be traitors if he was not; but Mr. Sharpe, who was called by the prosecutor, stated to you, in terms, that a parliamentary reform was the real and sole object of Mr. Tooke, that there was no idea of doing that which is imputed to them, that is, of overturning the government by force, that they never had any idea of force, that no suspicion ever entered his mind that any man had an idea of force; that their real object was, as I have stated, a reform and no other.

Gentlemen, so the case stands upon the charge of a conspiracy, and this is the charge against Mr. Tooke, that he conspired with others to overturn the government; but, I think, the prosecutors have negatived that charge, and that they have negatived the conspiracy. I think this case merited no answer from Mr. Tooke, that was my judgment, I told him so; and, I believe, it was the judgment of my learned friend. I think, where a direct charge is brought against a man, that he has conspired by force to do a particular thing, and where it is proved by the witnesses, who are brought forward to prove that charge, that no project of force existed; where it is proved by those witnesses that the persons who had met together had not the design imputed, but that they had the other design, which they said they entertained—that of a parliamentary reform; I think, when the prosecutor's case is so answered and negatived by his own witnesses, it calls for no answer from the prisoner. That was and is my opinion upon the case; but still, for the satisfaction of the world, for the satisfaction of this court, for the satisfaction of you, Gentlemen, who sit on the Jury, for the satisfaction of those who hear the cause, and for the future support of the character of the gentleman who sits at the bar, he took upon himself the proof of the affirmative; he boldly stepped forward and said, 'the charge against me is, that a parliamentary reform is a mere pretext, that when I said I meant to reform the parliament, I did not mean that but something else; they have raked into the particulars of my life; and they have endeavoured to prove, by witnesses, with some of whom I am not acquainted, that my real object is not a parliamentary reform; they have not proved that which they undertook to prove, and which they must prove before they can convict me, that I conspired to depose the King;

they have put their case, that either I did that, or I meant a parliamentary reform; and by doing that, they have given me an opportunity of shewing, by evidence, what I did mean. I will let you into the whole of my character; I will let you into the whole of my life; I will call all those who have seen me in private, and all those who have seen me at public meetings; I will shew you what I have said and done before those in my confidence, and who, if I had had any sinister designs, must have discovered them; I will lay my whole life before you, as far back as the memory of man can go, to shew you that a parliamentary reform was not a mere pretext; I will shew you my writings and acts, which will manifestly testify that my opinion has constantly been, that the representation in the House of Commons should be reformed, and that I had that only object in view.'

Gentlemen, Mr. Tooke is proved to you, by many witnesses, to be a firm, steady, and inflexible man in his opinions. He says, 'by many witnesses, I will prove that as far back as memory can go, by persons who are living, that those have constantly been my opinions, and that, with respect to designs, I will prove that so far from entertaining a design against the King, which I shudder at, that I to my confidential friends, in public and private, never mentioned the King, except with regard, esteem, and reverence. I will shew I have always spoke of the nobility of this country as a body of men that ought to be supported; that my complaints have always been, and as they now are, directed against what I conceive to be a corrupt representation of the people in the Commons House of Parliament, the reformation of that corruption, and the method to remedy that evil I have constantly pursued, and no other. I will bring you down to the latter acts of my life. I will bring you down to the last three or four years of my life, by persons who were acquainted with me at the time of planting this conspiracy. I will shew you, by all my public acts, and by those who have participated in my private and confidential communications, down so late as to the last two or three years, when this horrid conspiracy is stated to have been formed, that my language has always been the same, and that I have uniformly stated to all my friends, that my object was a parliamentary reform in the House of Commons, and no where else.'

Gentlemen, for this purpose Mr. Tooke did call witnesses, the first witness he called. you will recollect was a gentleman in years, namely, Major Cartwright, he tells you he had known Mr. Tooke intimately for the space of sixteen years; now that is a reasonable long period in which you can make yourself acquainted with the real disposition and objects of a man. He tells you he never met with a man in his life more steady, firm,

or

or inflexible in the opinions he once entertained; and the Major had great reason to say so, for he differed with him in opinion, therefore he had greater reason to make the observation; and it was more likely to strike him than it was to strike a man who had not that circumstance to make him observe it. I should have stated to you what was the general object of the Constitutional Society: Major Cartwright was one of the fathers of it, that is, one of the institutors, and he knew its institution—He states to you, in express terms, the only object of that society was a parliamentary reform, that for that purpose it was instituted, and all its measures had been directed to that purpose. He says, he attended it till the time he went into the country, in the year 1782. He is asked what Mr. Tooke's opinion with respect to the King and Nobility was? He tells you, in terms, that his information is drawn from the result of an infinite number of conversations with him during sixteen years. He tells you he constantly held out a reformation of the Commons House of Parliament, to be the only thing that was wanted to make our constitution perfect. That he always expressed great esteem and reverence for the King, and attachment to the nobility of the country; that he directed his complaint against nothing but the House of Commons; that he differed from Major Cartwright as to the mode of reform. Major Cartwright was of opinion, that universal suffrage was the best representation that could be made. Mr. Tooke disagreed with him, and he told him so; he debated the point with Major Cartwright more than once, and Mr. Tooke told him that he mistook the subject, and was wrong in his principle; that he thought the principle laid down by the Major was a foolish principle; and though he had great respect for so great a man as Mr. Locke, he did not think Mr. Locke had formed a just opinion upon the subject. Then they agreed upon this—you are for universal suffrage, and I am for a reform in parliament, but short of universal suffrage; we will travel together, therefore, as far as we can; and he compared their situation to that of two men in a stage coach, where one meant to stop short at Hounslow, and the other to go to Windsor. Mr. Tooke said he would go no further than Hounslow, that he thought it a proper thing to stop at Hounslow, meaning thereby a reform in the House of Commons, and that Major Cartwright might go as far as Windsor, which was universal suffrage. There is certainly no harm in going in the same stage coach and stopping at Hounslow; it is a thing that many people have done, whose conduct would not, I am sure, be reprobated on that account, and I refer to the writings of Mr. Pitt, when he was a friend to a parliamentary reform, and was for universal suffrage, he thought

no harm, and had no objection to call him under his banner, to produce that reform which he wished for, not meaning to go on to Windsor, but meaning they should help him on to Hounslow. That which is not criminal in one man cannot be criminal in another, and I don't think that partial journey of Mr. Tooke's, with Major Cartwright, could be criminal, though Major Cartwright might go a little further for the purpose of introducing universal suffrage.

Gentlemen, this is the account Major Cartwright gives from sixteen years acquaintance with Mr. Tooke, that he was attached to the King, attached to the nobility, and that his only object was a reform in parliament, and yet the case attempted to be proved against him is, that he wishes to overturn the constitution, to depose the King, and that a reform in parliament is a mere pretext. When did this pretext begin? You have gone through sixteen years by Major Cartwright, and during all that time this man was so steady and inflexible, he has uniformly held the same language, that the King is to be supported; and the nobility is to be supported; and that, for the support of the King and nobility, in his judgment, it is better there should be a reform in the House of Commons, because, he thinks, by that the constitution will be more perfect than it is at present. This is the evidence of a man who speaks to sixteen years acquaintance with Mr. Tooke.

Gentlemen, I come now to some of the public acts of Mr. Tooke, who, if he has been conspiring against the crown, has acted the strangest part that ever a conspirator acted. I will, as far as I am able, lay his whole life, public and private, before your view. I will shew him doing public acts in 1780, 1782, 1785, 1788, and in 1790, and, I think, 1793, shewing, most decidedly, that his real object was a reform in that branch of the legislature, the House of Commons.

Gentlemen, the first thing I shall produce to you is the letter to Lord Ashburton, that was so long ago as 1782.

Gentlemen, the first public act is in 1780, but not this letter of Lord Ashburton. You will find it proved by referring to your notes, or to your memory, that so long ago as the year 1780, associations were held for the purpose of bringing about a parliamentary reform, and that there were delegates from the different towns and counties in the kingdom. Mr. Sheridan proves that at those meetings Mr. Tooke attended, but at those meetings his object was not to raise confusion in the government, not to stir up an insurrection against the existing laws, not to overturn the government, or to depose the King, as is imputed in this indictment; but the object was, a reformation in the House of Commons. He joined with those delegates, whose objects were

were the same. He met them, and constantly and uniformly at those meetings did he declare his object to be a reform in the Commons House of Parliament. So far then we have got, that this man was so steady and inflexible, that for sixteen years of his life he entertained those opinions,; and in the year of 1780 he acted upon them, and by his public conduct shewed his object was merely a parliamentary reform in the House of Commons.

So much for 1780. In the year 1781, there was no public act in which Mr. Tooke participated. In the year 1782, Mr. Pitt brought forward his project for a reform in the House of Commons; and you will find, from the testimony of Mr. Pitt, from the testimony of the Duke of Richmond, from the testimony of Mr. Sheridan, and from the testimony of many others, that Mr. Tooke met them constantly at those meetings, that he constantly supported, not the project of the Duke of Richmond of universal suffrage, which it is proved to you was the object of the Duke of Richmond, but that he wished for something short of that, and he attached himself to Mr. Pitt, followed him through his political life to a certain point, and assisted Mr. Pitt to the utmost of his power in obtaining that object. So much for the public conduct of Mr. Tooke, as far as has arisen out of his conduct in 1782, at general meetings.

Gentlemen, in the same year, after Mr. Pitt's motion in the House of Commons, for a reform, had been thrown out, namely, that motion to which Mr. Tooke wished success, he addressed a letter to a learned gentleman, whose loss to the profession, and that House of Parliament, of which he was a member and an ornament, we shall always regret—he wrote a letter upon this subject to Mr. Dunning, a private letter at first, but afterwards published, because I have the publication in my hand. Let us see when this plan of Mr. Pitt's was thrown out, and when the majority declared themselves of a different opinion. Let us see whether he acted like a man whose stated object of a parliamentary reform was a mere pretext, or whether it was the real object of his mind.

Gentlemen, I shall not go through to you all the parts of the letter which has been read before, but in answer to some objections used in the House of Commons to this plan, he says, "I trust that there are very few persons in this kingdom who desire so improper and impracticable a measure. But if there were many, the wisdom of parliament would correct their plan, and the corrected would be well pleased at the correction."—That confirms the evidence which the Attorney General gave, that Mr. Tooke is a steady, inflexible, persevering man in his principles, that he is not a wavering man as to this plan, for you see

see from the beginning of his political life, he thinks a reform is a real good; he thinks that to go to the length of universal suffrage would be a real evil, and you find him pursuing the same conduct through life, adhering to his original plan of a parliamentary reform; but never led away by his intimate friend and acquaintance, Major Cartwright, and the others, or adhering, or going over to the opinions of those who were for universal suffrage; and I will venture to say, no power upon earth can induce him to accede to any proposition of that sort which, in his judgment, is not a right one.

Gentlemen, he goes on stating his reasons, not for thinking that a parliamentary reform is a good thing, for that is admitted, but under the objects stated to you, he recommends to the legislature the adoption of the measures proposed by Mr. Pitt, as that which was most likely to give stability to this country, consistent, as he states it, to exist of King, Lords, and Commons; and, at the conclusion of this letter, we have this sentence—Now hear the language of a man that is a democrat, and which one would suppose to be the language of democracy, he says, “The prerogative of the crown, which is glorious to the monarch, and beneficial to his subjects, they will place (as it ought to be placed) high, brilliant, and independent; a great weight at bottom can bear a great weight at top. Let the aristocracy, unenvied, enjoy their full and honourable proportion of influence to which they are justly entitled in the state; but let them cease, as a faction, to shackle the hands of their sovereign, whilst they debase and plunder his subjects.”

Gentlemen, this is the language of a man, who is said to be a democrat; this is the language of a man, who, it is said, wishes to overturn this government, and introduce none in its stead; who wishes to overturn the House of Lords, and who wishes to strip the King of his crown, and that crown of its prerogatives, which, he states as “glorious to the monarch, and beneficial to the subjects, and which ought to be placed high, brilliant, and independent.” This is the language of the man to whom the intention is imputed of overturning them, and yet he says, “let the aristocracy, unenvied, enjoy their full and honourable proportion of influence to which they are justly entitled in the state; but let them cease, as a faction, to shackle the hands of their sovereign, while they debase and plunder his subjects.”

Gentlemen, is it treason against the King to wish well to the aristocracy, and to wish the King to hold and preserve the prerogative and weight in the constitution which belongs to his office; must it be attributed to Mr. Tooke, that he wishes to pull down the nobility, because he says, they should not “shackle the hands of their sovereign, whilst they debase and plunder his subjects;”

jects ;" is it to be imputed to him, that he wishes to depose the monarch, when he states the prerogative to be glorious to him, and beneficial to the subject; when a man, like Mr. Tooke, speaks of the monarch's prerogative, and states it to be so glorious and beneficial, would he turn against it? Would he turn against the aristocracy, whom he describes to be such illustrious characters? Would he conspire to take from the one their honours, and from the other his life?

Gentlemen, Mr. Tooke entertains, I know not whether singularly, but, I think, he reasons admirably well upon the subject of the different branches of the legislature, he is of opinion, that both the King and the people are represented in this government by those who are responsible for their acts to those who appoint them to the situation which they hold. The people are represented by those they send to parliament, and the members of parliament are responsible to those who send them to parliament for their acts, the responsibility of their acts lays upon them. The King is represented by them, he appoints, namely, the great officers of the state, they act for him, he can do no wrong, but they are responsible for their conduct to him who appointed them—that is the opinion of Mr. Tooke. His complaint is, that the defect in the constitution is this, that the people are not duly represented in the House of Commons by those they send there, and who ought to be responsible for the House of Commons.—He thinks that corruption has found its way into the House of Commons, and that by that means improper persons are sent there, and the effect is, that not only the people are improperly represented in the House of Commons, but that it trenches upon the other parts of the legislature; for he is of opinion, that by means of them, improper men are sent into the House of Lords, and by that means the House of Lords is corrupted; and, he thinks, that the King is not left to the free choice of his servants, which ought to be left in his breast. Is not the plain tendency of that to support the King in that branch of the constitution to which he is entitled by the laws of the constitution. These are his opinions. If I have improperly stated them, he will contradict me. I understand them to be his opinions, and I have stated them to you as I think them conformable with his conduct.

What is his complaint? That improper persons are sent to the House of Lords by improper persons being sent into the House of Commons, and that by that means the King has not the free exercise of his prerogative. Why? Because those who are sent to the House of Lords exercise an undue controul, and do not give to him that which he ought to possess. He refers all the evils to the defect of the representation in the House of Commons. He does not go, I had almost said, to the wildness

of those who wish for universal suffrage, but he thinks a more equal representation of the people should be permitted; and if it was introduced into the House of Commons, it would be a great benefit, and would remedy all the evils of which he and the others complain.

Now, Gentlemen, I have stated to you his public conduct in 1780 and 1782. The next steps that were taken towards a parliamentary reform, by any body of men, were in 1785, which you have had stated to you by Lord Stanhope and Mr. Wyvill. Mr. Pitt then, a second time, proposed a parliamentary reform, and he was again defeated. You will recollect that in 1785, Mr. Tooke attended more than one meeting upon this subject. True to his principles he still was an advocate for a parliamentary reform—he was still an advocate for it, short of universal suffrage, he was still a supporter of Mr. Pitt's plan, and at the time when this second proposal of Mr. Pitt had been thrown out—when there was a subsequent meeting held by Mr. Wyvill, to consider of what was to be done, Mr. Tooke was for a moderate reform, but still adhered to his principle that a reform was necessary, but that universal suffrage was a bad thing, though that was negatived by those who wished for a larger reform, and Mr. Tooke, as it is stated by Mr. Wyvill and Lord Stanhope, moved for that reform.

Gentlemen, the next thing is in 1788, and that was a time when the affection of the subject towards the monarch, if he entertained any, was likely to be called forth, that was the time when the King was afflicted with a grievous disorder. At that time there was a meeting of the Constitutional Club; and, Gentlemen, I don't say, you are to be led by names—I don't say, that because this club was called the Constitutional Club, that you are to attribute any other objects to it than are proved.—Let us see who were the men that attended with Mr. Tooke, all those who are most loyal in the country, all those who were most attached to the sovereign, and who, in their judgment, thought that was the time to make the cause of the King their own; and when uniforms, to distinguish them from the rest of the kingdom, were put on for the purpose of marking those who then called themselves King's Friends, and who wore a peculiar button, with the words 'King and Constitution' on it; those were the men, in 1788, to whom Mr. Tooke was studious to attach himself; this was the sort of meeting he attended, and what the object of that meeting was will appear from a toast, proved to have been drank, that was, 'The King's recovery;' and I leave you to judge, whether from the denomination of persons who attended there, and from what has been stated to have passed from that moment, Mr. Tooke could have any other

other object but a firm persuasion that the kingly character, and the dignity of the King were, under all circumstances, and in all cases, to be supported in this kingdom. I will read the resolutions.

Lord President. The resolutions were not read, you cannot go further than the loose recollections of Mr. Beaufoy and Lord Camden. I took the substance of the evidence to be, they were resolutions expressive of loyalty to the King, and attachment to the constitution of King, Lords, and Commons, but the particulars of it can hardly be admitted as evidence.

Mr. Gibbs. Then, Gentlemen, at this meeting of 1788, which consisted of such men as you have heard, resolutions did pass.—Who was the person who proposed resolutions at the time when it was thought every man ought to speak his mind to the public I cannot state to you particularly, because I am properly informed, by the court, those resolutions are not in evidence; but at that critical juncture, when any man adhered to one party or another, when the King lay ill, when this meeting was held, and the people distinguished themselves by uniforms, when the inscription on their coats was ‘King and Constitution,’ what were the resolutions that were passed, and what was the nature of them, and who was the person that passed them? Mr. Tooke stood forward, and Mr. Tooke was the person who proposed the resolutions, be they what they will that were passed at that time.

Gentlemen, I am sorry it is not in my power to lay the resolutions themselves before you, because I think they breathe such a spirit of loyalty, as must expel all suspicion that such men could entertain such designs. That was the time when affection, or disaffection, was likely to be called forth.—He is the man, we find, associating with them, who brings forward resolutions at the meeting, testifying not only the loyalty of himself, but offering a sort of test to those present of their loyalty to the King and Constitution. After this, I think, I need say no more of the year 1788, when he was not only a loyal man, but distinguished himself from those who were thought to be otherwise, and distinguished himself and shewed his attachment to the person of the King, by declarations and resolutions at a public meeting.

Gentlemen, the next public act of Mr. Tooke’s life, and I would give you a great many more, if it was necessary, but they all contribute to the same end; his next public act, I say, was in the year 1790, when a meeting was called for the celebration of the anniversary of the French revolution, which was in its infancy then. Mr. Sheridan was the person who called that meeting, and he told you, in his evidence, that a resolution had been

agreed on before hand, and the words of the resolution I will read to you, "That this meeting does most cordially rejoice in the establishment and confirmation of liberty in France, and that it beholds with peculiar satisfaction the sentiments of amity and good will which appear to pervade the people of that country towards this kingdom, especially at a time when it is the manifest interest of both states, that nothing should interrupt that harmony which at present subsists between them, and which is so essentially necessary to the freedom and happiness, not only of the French nation, but of all mankind."

Gentlemen, now we have so much of French affairs in this business, let us see what part Mr. Tooke takes upon this occasion—he approved of the revolution, he thought it proper, and he rejoiced in it, as far as it applied to that country, but he did not wish it should disseminate in this country that any revolution was wanting here; he, therefore, after, in a speech, as was stated by Mr. Sheridan, said, that the vessel of the French government was so decayed and bulged as to be incapable of repair; but that the vessel of our government was riding proudly over the sea, that her timbers were all sound and unimpaired, although the might want some correction. That is the substance of Mr. Tooke's speech. He proposed an amendment to a motion, but it was thrown out, because the motion had been agreed to before; and then Mr. Tooke proposed, as an original motion, "That this meeting feel equal satisfaction that the subjects of England, by the virtuous exertions of their ancestors, have not so arduous a task to perform as the French have had, but have only to maintain and to improve the constitution their ancestors transmitted to them." That is in the year 1790; and yet it is imputed to Mr. Tooke, that he is a plotter to overturn the government and depose the King, of whom he speaks in such high terms, and to introduce the French government, when at a meeting, least it should be understood it was the design of the country to do the same here, he states in terms, what always was the uniform tenor of his conduct and conversation, that the constitution of this country is firm and unimpaired, that it is to the satisfaction of the subjects of this country, that the people of England, by the virtuous exertions of their ancestors, have only to maintain and improve that constitution, which their ancestors transmitted to them, in the admiration of which almost all the public acts of Mr. Tooke consist.

Gentlemen, the last act, and I hardly know whether I can call it the last public act of Mr. Tooke's life, was in the year 1793, namely, his conversation with Mr. Francis, and you will recollect that this was at a time when Mr. Tooke is supposed to have been plotting and conspiring against the government;

Mr,

Mr. Francis had brought into parliament a bill for the reform of the House of Commons, knowing the learning of Mr. Tooke, and knowing how well he was acquainted with subjects of this sort, he communicated his plan to Mr. Tooke, and desired such communication as Mr. Tooke might be able to furnish him with. What is the conduct of Mr. Tooke upon that occasion? Does he say this is not going far enough? Does he then fall in with the object of universal suffrage? Which, most undoubtedly, if Mr. Tooke had this conspiracy in his mind, which is imputed to him, would have carried him much nearer to the perfecting of it. I suppose now, that Mr. Tooke's plan was to overturn the government, but he did not wish to hold it out to the public, but he would profess himself to be a favourer of persons that did not go that length—would not that have brought him a great deal nearer to the end which he was pursuing? He would have favoured that plan, but no such thing, even down to the year 1793. Mr. Francis proposing to him a moderate plan of reform, he tells you, that in conversation with Mr. Tooke, he agreed to the effect of the plan, but would not go the whole length. I could have given in evidence a public declaration of Mr. Tooke, proved in a former trial, so late as the 2d of May, 1794, but the witness is not called for the crown, and we do not, of course, call the witness, who appears to be a conspirator against the government; and though I do not call the witness, who proves that specific act, yet I have called to you a number of witnesses, who are intimately connected with Mr. Tooke, who have been in his confidence and in his company, and who can speak to his opinion during the last three years of his life. There is Mr. Simmons, Mr. Maxwell, and Mr. Harwood, who all know Mr. Tooke, and were intimately acquainted with his most secret thoughts; they tell you that he was not a man who would conceal his secret thoughts from persons with whom he communicated. They all tell you from the conversation they had with him, and they had numberless conversations with him, that his professed object has always been a parliamentary reform, up to a certain point only, far short of universal suffrage; and with respect to overturning the government, or deposing the King, so far from a project of that sort, he has always expressed himself in public and private, so far as has fallen under notice, with the greatest degree of respect and reverence; that he has professed esteem and respect for the person of the King; he professed esteem and respect for his character in the constitution, and as necessary for the preservation of the other branches; he always declared that the attempt to introduce a new and different mode of government in this country would be dangerous and fatal to
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its existence. That, Gentlemen, has been the general conduct and opinion of Mr. Tooke; it has not been a mere pretext, and it must be evident to you from the evidence I have stated; but there is also another witness who has been called to shew the general tendency of his conduct and character; and, Gentlemen, it was certainly unnecessary for me to say any thing, because that witness is much above my praise, I can make no addition to his testimony, I mean the Bishop of Gloucester; he tells you he has known Mr. Tooke (not a moderate knowledge of him, but intimately) for forty years, that their acquaintance commenced at college, where they were fellow students, but their intimacy has continued since; he is questioned particularly and boldly, and, in the voice of an innocent man, by Mr. Tooke, as to what he knows of Mr. Tooke, and what he thinks of his political opinions—he tells you he never knew Mr. Tooke vary in his political opinions at any time, that he has known him intimately, and he has never collected from any act of his life, or from any conversation, and he has been in his confidence and friendship, that he was ever hostile to any civil or political establishment of this country. He says, his habits of life were those of a studious man—that he was engaged mostly in books—that he, the Bishop of Gloucester, had often furnished him with books—that he was much concerned in grammatical researches. Upon being asked, whether in the whole course of his life and intimacy, for the last forty years, he had any reason to think that Mr. Tooke entertained a thought of conspiring against the King and government?—he says, No; certainly not.

Gentlemen, you will recollect, in going through the prisoner's case, I undertook to shew to you, and it was all that could lay upon me to shew, that that which is admitted to be held out by him as his object, the object of a Parliamentary Reform, was not a mere pretext. Have I not shewn you that most satisfactorily; have I not carried you with him throughout the whole course of his life, as far back almost as I could go, beginning forty years back with the Bishop of Gloucester, I bring him down to Major Cartwright, who knew him sixteen years, and I bring him down to the year 1780, and shew every act he participated in. I call to you his private friends, who have lived in a state of intimacy with him; I leave no period of his life unaccounted for, till within these last three years; I call five or six witnesses in number, who have lived with him during that time, and they all concur in telling you he has been uniform and steady upon a plan of Reform in Parliament, up to a certain pitch, not only that he never meant to go the length of a conspiracy

a conspiracy to overturn the government, or depose the King, but he inflexibly differed from those that wished otherwise, that he never could go along with those, and he never wished for a Parliamentary Reform to be carried up to universal suffrage.—How can it be contended that this person, of whose life I have given this history, who has constantly made it his pursuit and object to correct the evil of representation in the House of Commons, and has made that the subject of his complaint, and who has always stated that and that alone to be the remedy for all evils, how can it be contended that is all mere pretext? He says it is not a mere pretext. My evidence goes only to shew it is not mere pretext, and if it is not pretext, it has nothing to do with the rest of the case—If it is not mere pretext, it is his real object; and if it is his real object, he is pursuing a lawful object. As to its being a pretext, and pursuing it by force, there is no evidence by which you can persuade the weakest creature upon earth to believe it. The question is, whether Mr. Tooke has in his mind conspired or entertained a design of overturning the government; or whether, on the other hand, the object was what he professed, namely, a Reform in the House of Commons; and whether he pursued that uniformly? What is there to shew this is a mere pretext—and what is there to shew this is not his real object? There is a multitude of papers produced, some addresses and resolutions, containing improper expressions, I will admit to be libellous, and that they might be punished for them, but they do not amount to high treason, nothing like it.—If any one of these papers had amounted to high treason, it would have been stated as an overt act; and you might presume from thence against the evidence which I have given, not only of his public but his private declarations and acts, that that which appears to be his favourite idea, that which he has pursued so much through life, and that which alone in his political life he has ever pursued with earnestness; that which has been his object, and which alone he has pursued: I say, that from this paper the whole of it is a pretext, seems to me, to be beyond all human credulity.

Gentlemen, I beg to bring back to your recollection, that I went into this case to satisfy the prisoner, and for the sake of clearing his general character to the world, I went into it, that there should be no slur upon him; but I beg you to remember, that I insist most confidently, that the case made by the prosecutors, did not call for an answer—that they themselves disprove the charge; for their charge is, that Mr. Tooke, and those others of the Constitutional Society, and those members of the several committees, did conspire to overturn the government, and depose the King, that going into proof of the overt acts, they

they prove the first acts indifferent in themselves, and upon that proof, the construction could not be put that they endeavoured to give to them, and the colour which the indictment purports to give. They call witnesses who must know, and who were actors in the conspiracy, if it existed—they give you their evidence upon their oath, and they undertook by those men to prove this conspiracy did exist, for that purpose they call to you Mr. Adams and Mr. Sharpe, both partakers in all these measures, such as they were, and who are stated to be conspirators with the prisoner, Mr. Tooke ;—all these persons, the witnesses for the crown, disprove the allegations—they disprove that it was the intention of any of those societies to overturn the government, or to use any kind of force whatever. The crown has disproved its own case ; their own witnesses for the crown have negatived the criminality of the acts. If they were not brought forward to prove the criminality of the acts, I should be glad to know for what they were brought forward ?—They have disproved it—They call the witnesses for the crown to prove the criminal intent of the prisoner ; and they call those witnesses who must know the criminal intent if it existed—they are brought before you, and you have their oaths directly contradicting that which is charged—I have therefore, a verdict for the prisoner given me by the evidence for the crown. I wish to satisfy the prisoner, and to satisfy his character ; it was for that purpose I called the witnesses, and upon these grounds it appears to me impossible you can convict the prisoner. I have not entertained a moment's anxiety in this case for the prisoner, because I have felt him perfectly safe—he must be safe, because you are honest. I have no scruple to say, upon the evidence given in this case, that if the prisoner who stands at the bar is convicted, upon the evidence given by the crown, of high treason, that there is an end of that part of the freedom of Englishmen which they derive from the statute of the 25th of Edward the third. They are sent back to all that difficulty and danger that existed before that statute, which the makers of that statute complained of, and which was remedied not only by that but by the subsequent statute of the first of Queen Mary. I am perfectly satisfied within my own mind, it is impossible against the words of the statute, which I have stated, and against the construction put upon that statute by the most learned men that ever presided within this country, considering the evidence given negatives all sort of criminality upon the prisoner of an intent of overturning the government, and that chiefly coming from the mouths of the witnesses for the crown, I cannot suffer myself to entertain a moment's anxiety for the fate of the gentleman who stands at your bar ; it is impossible, that, with an English Jury, he should

should stand in the smallest degree of danger in this case. The proof to convict an Englishman of high treason must be plain, direct, and manifest; the proof in this case is plain, direct, and manifest, but it is the other way. The proof of the crown is plain, direct, and manifest, but the proof of the crown goes to acquit the prisoner; and it comes out of the mouth of those who must know, as they are stated to be concerned in the transaction, and all degree of criminality is to be swept away from them, because there exists none. The objects of these people were pure, and therefore they must stand in a court of English law, unviolated. I have no scruple to say, unconnected with all parties, not having in my mind a wish upon this subject, except as a counsel must be supposed to entertain a wish for his client, but with respect to the public, not entertaining a wish but for the public peace, not having mixed myself in politics, not having connected myself with any set of political men, standing only as a man in my profession, and studiously avoiding all such connections, living equally with men who entertain some one opinion, and others another opinion upon the subject of politics; I have no scruple to say, and I say it from the bottom of my heart, that I think a ruder shock cannot be given to the administration of law, and to the government of England, than will be given to it by the conviction of this prisoner upon such evidence.

Lord President. Mr. Tooke, it is proper I should inform you, if you wish to address yourself to the Jury, it is now the proper time for you to do it, as you cannot be permitted to make any observations after the reply, or after the summing up.

Mr. Tooke. My Lord, I very much fear I have already spoken too often and too much in this court, and I do not mean to trouble you with one word.

MR. ATTORNEY GENERAL, (in Reply.)

May it please your Lordship—Gentlemen of the Jury,

Gentlemen, it has pleased the providence of God, in his dispensations of affliction, to call upon me at this moment to execute a duty so awful and so important, at such a time and season, that I protest solemnly, in the face of my country, and in the face of the prisoner and the Jury, that I do hardly know how to execute it as I ought; and I look to that Providence for support, to acquit myself as I ought with justice to the prisoner and to my country.

Gentlemen, you have now got to nearly the conclusion of a most important cause—a cause which involves in it the interests of

your country, and the interests of the prisoner whom you are trying—a cause which involves in it, (and that is what I call upon you most particularly to attend to) every interest that at this moment, and at future periods, can be valuable to the gentleman who stands at your bar.

Gentlemen, I repeat again to you what I have stated in another stage of this business, that I am an unfaithful servant to the public, and to the crown, if I ever forget, for one moment, exerting my best attention, that the distribution of fair justice, such as that gentleman is entitled to, according to the law of the land, is one of the most sacred duties which, in the character of Attorney General, I have to discharge.

Gentlemen of the Jury, you will allow me to say, that looking at the commencement of these prosecutions, they have arisen in consequence of the strong measures of the highest council his Majesty has, except the Parliament, and they have been carried on to a certain extent, and recognized by the highest council, by the Parliament itself, in the suspension of the Habeas Corpus act; in consequence of these steps, the case of this gentleman was carried before a Grand Jury of the country—the Grand Jury found a bill of indictment against him, but notwithstanding all this, I know the consideration is necessary to be gone into before you, because I know the *ex parte* evidence will justify, and therefore require a finding by the Grand Jury. If I could have felt when the gentleman at the bar yesterday intimated a wish I should signify whether this matter should go further, in order that the Jury should finally have given their conclusion upon it, if I could have thought it was consistent either with the circumstances of this case, or my duty to the public, to the country, and myself, to have said ‘yes,’ it would have gratified the most anxious feeling of my heart to have consented to it.

Gentlemen, my learned friend, who concluded just now, has told you he has no connection with any political party in this country, and he has gone so far as to state what his own personal opinions are upon this case—Now, Gentlemen, I will say this in the face of my country, and I defy any man living to contradict me, that as I have never sought, to my knowledge, any situation in which I stand, otherwise than by the industrious exertion of such talents as God may have given me; so I here declare, and if there are those who dislike what I am now stating I cannot help it, that I would not take one step in this prosecution repugnant to the dictates of my own judgment, or contrary to what that judgment of my own might be, not for all this world has to give me;—why should I?—You will allow me therefore to say, after all that has passed, I have no desire but that my
name

name should go out of this court with that credit or discredit that best belongs to it; for I cannot but remember, that, though upon no other occasion it will be handed down to posterity, yet it will be coupled with that of the gentleman at the bar; and when I am laid in my grave, after that short interval of life which remain has run out, my children, I hope, will be able to say, that I left them public probity, dearer to them than any riches this country could give, or I could leave them: I therefore say distinctly, if I had not known the evidence in this cause, which the gentleman at the bar, upon the cross-examination on the first night intimated to you by the tenor of the cross-examination, I do beg now to state, once for all, to the gentleman at the bar, because he is sitting there as an English subject, entitled to as much consideration from me as any person in this court, I beg leave to say, once for all, when I am discharging my public duty, I am not taking upon me to state what are the facts of the case, that is for the Jury; but I shall endeavour to state the facts of the case as correctly as I can, acting upon the best understanding I have of them, and attending as well as I can to them; if I mistake them, I shall feel it essential to justice that I should receive correction from him, or his counsel.

Gentlemen, I was observing upon the tenor of the cross-examination—it did strike me that the prisoner aimed by it, at making out this sort of case, that he had very little connection even with the Constitutional Society, that he had very little knowledge of their proceedings, and with respect to the Corresponding Society, and the country societies, he was still more a stranger to them, and the turn of the cross-examination put to Mr. Adams, the secretary, I have not the smallest doubt had a very great influence upon your minds, and the mind of the court. It had this tendency, not to say the measures were right which are charged in the indictment, but a tendency to make out that the gentleman at the bar had not such a connection with those societies and measures as to make it out this should no longer be considered as a serious charge. I say again, if it was possible to make that out, I should be as glad as any man living; but I will not say so, because it will be carrying it too far as a gentleman at the bar, to drop the prosecution, but I will venture to say, there is not a man in England who would be more glad than I should, had I not the charge upon me of prosecuting, and my public duty.—It is imposed upon me, and therefore it fixes upon me the obligation to state the facts to the utmost of my judgment. Being prosecutor in this case, it was impossible for me not to know this case, and the case I have to offer to you. If there be one circumstance in it which distresses

me more than another, it is this, and I state it now that it may be understood every word I utter is a word uttered with caution, but at the same time with that firmness which the execution of public duty demands. The greatest distress I feel is, that the case applies to a gentleman, undoubtedly of great accomplishments, I hardly know in what terms to convey what I have to say, but I say, that if I was disposed to use hard terms, I think it is a case of fraud against the public security, concealing itself under measures calculated for the purpose of preventing the personal detection of the parties concerned, and securing the individuals who belonged to the societies. It was an honourable sentiment of the gentleman at the bar to chuse, in the course of this cause, that the cases of other people should be somewhat considered; and I will tell you this, that unless I mistake the nature of this cause, there never was a person more bound by any principle of moral obligation to do that than the gentleman at the bar, because (unless I misunderstand the case, and I am not presuming to state it upon the facts) I am staking myself upon my own conception of the case, there never was a case in which an individual placed so many persons under misconception of what he meant, if he meant what his counsel stated at the bar he did. I have not the least difficulty of saying if it should happen hereafter, as I am afraid it may, that persons yet in custody, and yet to be tried, have gone lengths the gentleman at the bar has not gone; and having gone to those lengths, that the security of the public should require that they shall be responsible, I am persuaded the mind of no reasonable man will refuse his assent to this proposition, that the circumstance of their having gone those lengths must remain, during the life of the gentleman at the bar, a circumstance of considerable regret.

Gentlemen, I come now to state to you what I have to offer as the ground upon which it does appear to me it is your bounden duty to find him guilty. I express myself so, that it appears to me to be your bounden duty to do so. The administration of the law of this country does not pretend to the excellencies of those foolish theories laid down in the Rights of Man; the constitution and law of Great Britain looks upon providing for men that have all the infirmities of men—it does not look upon the first magistrate as exempt from those infirmities—it clothes him with counsellors, and protects him, as far as is consistent with human nature, and as human laws can give protection to human beings—I say the same with respect to the court; Judges may err, Juries may err, Counsel may err, and it is infinitely better for the liberty of the country, that in a doubtful case five thousand men should be acquitted, than that one man should be convicted

convicted wrongfully. If the Jury mistake the case, or the application of the evidence, it is better that a man should be acquitted than found guilty, while the misery of finding him guilty exists upon their minds.

Gentlemen, I am free to say too, that if the most mischievous men that ever existed in Great Britain, were brought to the bar, it is of no consequence in the trial of the charge except so far as the tendency and tenor of the actions that constitute those mischievous qualities bear upon the case the Jury are to try; therefore, I dismiss from this case, in a moment, every thing that my learned friends have said about constructive treason, analogous treason, like treason, accumulative treason, or libels from this charge, and I am sorry to say, I think you cannot fail to find there are numerous libels; and if you should find numerous libels in the course of this evidence laid before you, I have not the least difficulty to say, you have nothing to do with them, and it does not signify what the gentlemen have said, unless you find that the distribution of the libels in the country was beyond doubt for the purpose of carrying into execution the design this indictment charges him with.

Gentlemen, I have very little to say to you upon the law of treason, and I will tell you why I will state the law of treason very shortly as I understand it, we live in an age of renovation, I may be wrong as I state it, but you are not to take the law or fact from the representation of the counsel in whatever situation they stand—whether political or not, they are to state the law in your hearing, that you may apply the facts of the case to the law, and that you may finally judge upon the whole of the case. I will not go at length into the law for this reason, I say, if the law upon which that conspiracy is founded, is not to be taken upon this case, upon the grounds of it to be clear law, there is not one man in the box can say there is any law in England upon which he can say his personal safety is secure, his personal liberty secure, or a shilling in his pocket secure.

Gentlemen, the indictment proceeds upon the ground that a conspiracy to depose the King is an overt act of compassing the King's death. Perhaps it is an answer, when I tell you, and my Lord Coke stated it so—I am stating his very words, which Mr. Gibbs has read to you, bearing out all that I say, that a conspiracy to depose the King, is an overt act of high treason beyond a conspiracy to levy war—Why is it? It is as Mr. Justice Forster mentions, I will read but one passage upon it, at the same time I will tell you I am no advocate for a Jury taking upon them to say a thing is treason which Parliament says is not so. It is the last thing that should be trifled with; but the parliament has made this rule for the safety of the subjects, and it is necessary for the safety

safety of the subject and the crown, that the crime of treason should be ascertained, and it is for the security of the crown, that there should exist a law of treason. Mr. Justice Forster acting under the law, was not much addicted to any other principle than the principle of liberty; he followed the judgment of his predecessors: and on the view of the act of parliament he says, "Every insurrection which, in judgment of law, is intended against the person of the King, be it to dethrone or imprison him, or to oblige him to alter his measures of government, or to remove evil counsellors from about him; those risings all amount to levying war within the statute, whether attended with the pomp and circumstances of open war or not, and every conspiracy to levy war for these purposes, though not treason within the clause of levying war, is yet an overt act within the other clause of compassing the King's death. For these purposes cannot be effected"—And I desire your attention to these words, for the benefit of the gentleman at the bar—He says, "For these purposes cannot be effected by numbers and open force, without manifest danger to his person." The same learned judge in another passage says this, and surely if one could have called a witness to prove the reasoning of Mr. Justice Forster to be right and just—I should have said, give me Major Cartwright. Mr. Justice Forster says, "The care the law hath taken for the personal safety of the King is not confined to actions, or attempts of the more flagitious kind, to assassination, or poison, or other attempts, directly and immediately aiming at his life; it is extended to every thing wilfully and deliberately done, or attempted, whereby his life may be endangered, or imprisoning him, not to kill him, but either to depose or kill him; and, therefore, the entering into measures for deposing, or imprisoning him, or to get his person into the power of the conspirators—these offences are overt acts of treason within this branch of the statute." What says Mr. Justice Forster? And the words were repeated by a great noble Lord, on the trial of some of the rebel Lords, in 1745, it was urged in Laver's case, they meant to take care of his person; they said, we did not mean to put the King to death, so far from it, we meant to take care of his life; but they were told by the act of parliament, following up the judgment of the Judges of the common law, they were told that experience has shewn that between the prisons and the graves of Princes the distance is very small.

Gentlemen, the experience of modern times has not contradicted what Mr. Justice Forster has stated here. Now let me beg your attention and that of the public, if I durst in this case, though, I protest to God, I am not anxious what the verdict is, or what you do after I have done my duty; but give me leave

to ask you, as men of conscience, can you hesitate to say, that the acts of persons, such as Major Cartwright was represented by the prisoner at the bar to be, have the tendency to bring about those evils spoke of by Mr. Justice Forster. What is the English of this? I have a purpose to accomplish, call the purpose to obtain a reform in the representation in parliament as moderated as you please, or if you please, one hundred times more moderate than Mr. Pitt's, which, for purposes of sedition, has been represented to all the ignorant people to be the same as the Duke of Richmond's; let it be the Duke of Richmond's plan if you please, or the plan the gentleman at the bar has stated to be his plan, though there is not one act of his life, from March, 1782, that has been shewn consistent with it; let it be what you will, if the intention was to carry on his own project, though he would have gone from Hyde Park corner in a coach with others, who were going to Windsor, and though he meant to stop at Hounslow, he is guilty of high treason. You will allow me to say, there is not an instance of his life, and when I say that, I beseech him to believe I do not say this without thinking so, that there is no instance in the evidence, since March, 1782, except as far as I can recollect the solitary instance of the conversation with Mr. Francis, that has not been calculated upon the principles of Mr. Paine's book, upon which I have something to say—What could be the meaning of Mr. Barlow's address to the French? Or the address of the London Corresponding Society, on the 6th of August, 1792—which neither of my learned friends dare set their faces to look at. What was the meaning of the proceedings in April, 1793? which I impute to be a creature in the hands of the gentleman at the bar. And the proceedings of the Constitutional Society, in the same month of April, 1793? which also neither of my learned friends dare set their faces against, although they offered to explain them, but they are decisive. And what happened in the Scotch Convention, in November, 1793? What was the meaning of the meeting at Chalk Farm, on the 14th of April, 1794? And again at the Globe Tavern upon the 20th of January, 1794? With respect to which proceedings my learned friends neither of them applied a word in what they addressed to you. I say, that all these, whatever might be the object of the gentleman at the bar, were measures calculated to induce an infinite number of persons, and have actually had that effect, to form themselves by affiliation or combination into societies for the purpose of bringing about such a revolution in this country as has happened in France. I don't mean that which destroyed the wretched constitution which existed in that country, but such a revolution as took place after 1791, which had a king at the head
of

of it, and which some persons foretold could not remain with a king at the head of it consistent with its principles, and which principles are written with approbation in the book I have in my hand; they foresaw that by adopting those principles which were first set forth in that country, though they might have a King at the head, the ultimate project, in which they were engaged, would as surely, and I put it upon the evidence in their own hand-writing, take place in this country as it has in France; and though universal suffrage was the first measure to be taken, yet it was as a means to the ultimate end, namely, to the deposing of the King. I say, that all they have done are so many overt acts of an intention to compass the death of the King. I chuse to explain myself thus, because I must speak as the gentleman at the bar would speak of this, it is clear, and I beg the favour of my Lord, when he sums up, to attend to the address to the National Convention, from the London Corresponding Society, and from the Constitutional Society, of both of which, I say, upon the evidence given, the gentleman at the bar is the author, or so far concerned in the fabrication, or adopting of them, that he stands responsible at that bar as the author. I collect from those addresses that that gentleman perfectly well knew, whatever his projects were previous to the year 1789, that it was utterly impossible that a revolution could be brought about in this country, which was to depose the King of the country—He could not set his heart to the accomplishment of such a purpose, because no means were within his reach; they state distinctly when a republic had taken place at a great distance from this country, America, they say, the effulgence of that revolution shone with such feeble rays upon Europe, that nothing was to be hoped for from it; but when the revolution in 1792, took place—"It burst forth upon the nations in the full fervor of a meridian sun, and displayed, in the midst of the European world, the practical result of principles which philosophy had sought in the shade of speculation, and which experience must everywhere confirm;" and he says, between France and England, there is what he calls one common cause. He says distinctly, the principles upon which the French revolution, on the 10th of August, took place, which he calls that glorious victory, are the only principles upon which a government can stand. The date of that address is the 9th of November, 1792, and let the gentleman have said what he would before, it is nothing to the purpose. If any one reads this letter, there is no difficulty in seeing the intention of the persons who wrote it. When the societies in London were engaged in nursing an infant society in Stockport, then it was that infant freedom was making Herculean efforts. We are not now talking of expressions used in

in favour of the King during the time the regency was talked of, or in favour of the King at the time of Lord Hood's election in 1785 and 1792, for every one of those periods were those in which he himself acknowledges nothing could be done towards deposing the King, but then it was that that gentleman tells you, that infant freedom is making Herculean efforts, and that those vipers, monarchy and aristocracy, are writhing in his grasp.—What did he mean by that, that monarchy and aristocracy were writhing under his grasp? Shall he say he meant nothing but the representation of the people should be more or less limited. Shall he say he meant nothing but that a limited constitution should exist for the good of the kingdom, when the letter says, “may success and happiness attend its efforts?” This was on the 9th of November, 1792, it has been said what has this to do with England; but I should be glad to know what it has to do with any thing else? You will see what it has to do with this Constitutional Society, for, Gentlemen, it was a letter sent from persons at Sheffield, the Editors of the Patriot, who had associated members in the Constitutional Society, in London, who, at the instance of the Constitutional Society, sent delegates to Scotland, it is a letter from Sheffield to the society, desiring care and attention on the part of the Constitutional Society here to the society at Stockport. Is that in the kingdom of Great Britain or France? But if you have any doubt about it, I beg his Lordship to call your particular attention to every passage in it, and then decide for yourselves, and tell me whether it is not the state of monarchy which is a viper, and ought to writhe in the grasp of freedom; but, I think, I can demonstrate that beyond all doubt, if you will attend to the evidence.

Gentlemen, in the first place, with respect to the indictment, I do positively deny, and I beg my Lords opinion upon it, first telling you that if any one overt act is proved, the gentleman at the bar must be found guilty; I do positively deny that it is at all necessary to your finding him guilty of the charge in this indictment, that he should have given his consent at all to the convention which was held, but that he did give his consent, if it be necessary, I shall prove to demonstration; I will go a great deal further than that, for I believe my friend will not deny to-day, that if such books, as I have produced, were actually published in the prosecution of a traitorous intention to depose the King, including an intention to kill him, that the publication of such a work would be an overt act of high treason. I put it to you, that there are many acts done by the Constitutional Society, which, as Jurymen upon your oaths, you must say do amount to overt acts of high treason, in order to excite his Majesty's subjects to rebellion, and in order to depose the King. I go further even than that, for I say this, under the correction of that wisdom which pre-

fides here, that if you should be of opinion the gentleman at the bar did not mean to depose the King, but to compel the King to take a different parliament than that which the law and the constitution has given him, the treason is the same. By the coronation oath, and according to the laws and the statutes made, he is bound to govern, and is sworn to govern, according to them. He ought to lose his life, and I trust would lose his life, if he did not govern according to that coronation oath, or if they meant to compel him to govern by force, or to take without the consent of his parliament another representative body —————

Mr. *Tooke*. I beg your pardon—Do you mean to take upon you to say, the King ought to lose his life if he took any other parliament?

Mr. *Attorney General*. I wish to be understood to say this, the King of Great Britain is bound by his coronation oath to govern according to the laws established in parliament, and the customs of the same; he is, therefore, bound by that coronation oath to resist every power that seeks to compel him to govern otherwise than according to those laws; that it must be understood that the King of Great Britain would resist such a power, because he would be acting in the execution of his sworn duty; and in resisting such a power, he must lose his life if he does resist it.

Gentlemen, you will permit me here to say distinctly and I will not consume above a moment of your time in referring to the transactions of 1780, 1782, and 1785, with respect to certain persons who attended meetings with a view to a parliamentary reform, whether those meetings were constituted of delegates or not, or whether of persons, some of whom were delegates, and others not, yet it does not appear to me the facts existing in those meetings have any application to the case before you. It is my duty to state it to you, and it is this that the gentleman at the bar, with the assistance of these affiliated societies, as I call them, meant to bring together a body of persons in 1780, 1782, or 1783, who were to influence parliament in the way Mr. Sheridan stated yesterday; but, I say, the case I have to prove is this, they had no idea of acting upon any degree of influence by numbers, or to induce parliament to take any measure by particularly stating the parliament was not to be applied to, but that they did more, they went to the extent of stating that parliament could not be applied to, because parliament was incompetent to give relief, even if it was disposed to do it. I do not at all enter, for I am very far from it, into the nature of such meeting as that Mr. Sheridan stated yesterday, and I will tell you why I do not: I have had experience enough to know, that a man neither does any good to himself, or those he is addressing, by giving his opinion upon a subject which is not before the court, in order to bring the court to a just conclusion

clusion upon that which is before the court. I can very easily conceive, that with a very small shade of difference, what was done in 1780, or 1782, might be criminal or innocent, but whether it was or not, it is not my duty to discuss here, that is not the case I have to submit to you, which is this, that the Constitutional Society in London, or rather, I should say, to do justice to the ideas that occur to me upon the effect of the evidence, the gentleman at the bar forming the Constitutional Society, and the London Corresponding Society, of which, I hope, to satisfy you he was governor, and of the affiliated associations, I will give him credit for shewing there was no societies in France or Ireland, but governing the affiliated societies in England, he meant to bring about a convention in 1793, a period at which you will not forget it was avowed; in this society, it was to be a convention, which was not to apply to the sovereign or to parliament, but was to be a convention which, by their own strength, was to alter the government of this country. I say, the gentleman at the bar avowed that to be his principle as early as the 6th of August, 1792, for when he was consulted upon the address of the 6th of August, 1792, he made that address to all intent and purposes his own. I cannot, however, depart from this circumstance of the associated societies in France and Ireland, without saying one word. It was the tenor, as I understood it, of the cross-examination of the witnesses to say this was all moonshine, when we talked of 100,000 copies, and 12,000 copies of Paine's work, that we meant nothing at all by it; but, Gentlemen, you know the revolution in France was, in a great degree, brought about by things of that kind. Men were taught to believe there were 100,000 in one place willing to do a thing, and 50,000 in another place ready also; by publishing things of this sort, importing that the necessities of the societies required 100,000 copies to be printed, making the public believe that the persons engaged in their schemes, were as numerous as they were represented. Why? Because those who wished that notion should be received, meant the country should act upon that persuasion in the manner persons persuaded that was the truth were likely to act.

Gentlemen, you will give me leave to begin with the first piece of evidence that was stated; first of all I shall remark to you this, that my learned friend who spoke last has said, and I desire to have the due advantage of it and no more, that when we called witnesses who spoke in the manner of Sharpe and Simmonds, you must give full credit to them on the part of the prisoner. I admit it, but permit me to call your attention and to say, that when my learned friend was opening this case on the part of the defendant, he said, that "Mr. Hardy was acquitted, and

I can call him as a witness; that Mr. Lovet was acquitted, and I can call him as a witness." My learned friend will give me leave to add, he might call every man present, you find them sixteen, eighteen, or twenty in number; he might have called every individual of the Constitutional Society, to have proved any one circumstance which it was material or necessary to the case to prove; he has not called one but Mr. Simmonds, who, most undoubtedly, did not know one tenth part of the acts which the gentleman at the bar had been engaged in, and from whom I will say they had been studiously concealed. Not one member of that society is called, except Captain Harwood and Major Cartwright; as to Major Cartwright, I am extremely sorry, as it is not my practice to speak of any gentleman, unless his evidence in the case obliges me to mention him, but it is most clear, that in those transactions up between March and May, 1792, Major Cartwright is implicated in a very considerable degree.

Gentlemen, you will recollect what he said to you, but you will allow me to say, that with respect to Captain Harwood, he proved the truth of the case on the part of the crown that I state, for you will recollect, and I call your attention to the letter of the 16th of April, 1793, as a clue for the whole of these proceedings from beginning to end, Captain Harwood proves that letter was delivered to him to be answered, namely, that Norwich letter, though it was answered by a gentleman who afterwards met at the Constitutional Society, where he appears as a visitor, and that answer was sent by Captain Harwood with the consent of that society. They say, after all this Mr. Hardy has been acquitted.

Gentlemen of the Jury, upon what principle the Jury went who acquitted him, I don't stay to enquire. I repeat again my duty ought to lead me no further. I appear here as a prosecutor, I did my duty with respect to Mr. Hardy. I entertain no doubt, and without violence to the constitution, I must say I have no doubt the Jury did right, and that they acted as honourable men towards their country, and I hope and trust they did not think I acted as a dishonourable prosecutor against Mr. Hardy; but very, very wide, indeed, are the circumstances of Mr. Hardy's case and Mr. Tooke's, though his Lordship stated, in law, he was a principal in the cause; and though there were but few circumstances, there were sufficient, I agree, which were to connect Mr. Hardy further than the office of secretary connected him. I say, and I speak with great deference, for no man wishes to be more respectful, where I know it is well deserved—I say there were a great many more than were called to the consideration of that Jury; but be that as it may, Mr. Hardy stood in the situation of Broomhead, at Sheffield, and it may be possible that Hardy might

might be told in London what Broomhead was at Sheffield, that a secretary was not to put a negative upon the proceedings of the society. I think it is quite impossible, with respect to the gentleman at the bar, that he can represent himself as misunderstanding the proceedings. If Mr. Hardy was competent to be called, I should be glad to know why he was not called to explain the transactions of the 9th of March, 1792? With respect to the resolutions sent to the Corresponding Society, with the name of Thomas Hardy, secretary, in the hand-writing of Mr. Tooke; with respect to the famous letter of the 16th of April, 1793, to the Norwich society, who sent a letter of the same import, that they were not to look to the King, that they were not to look to parliament but a convention, I say, I should be glad to know with respect those letters, why Mr. Hardy, or Mr. Lovet, have not been called to shew that neither the Constitutional Society, or the Corresponding Society, either knew or meant that Margarot or Gerald, members of both these societies, or Sinclair, a member of one, should do those acts, which, I assert, amount to high treason in the Scotch Convention? I should be glad to know why Mr. Hardy and Mr. Lovet have not been called to say Mr. Horne Tooke had nothing to do with the transactions of the 20th January, 1794? I should be glad to know why they have not been called to shew he had no knowledge of the transactions of the 17th of January, 1794? No man has been called to tell you that Mr. Tooke, when he left the chair upon some resolutions being proposed, and Mr. Gerald took it, who was a member of the Scotch Convention, that he left the room also. Mr. Gerald was in the room with Mr. Tooke, who is supposed to know nothing about the proceedings of the Scotch Convention, and I should be glad to ask, Why none of the persons present have been called to tell you he not only left the chair but the room, and that he knew nothing of the resolutions agreed to? It does not belong to the talents of my learned friend not to know that this was excessively material. He said, he would not call him in this cause, but he would call him in the next, and he would call Mr. Lovet, but he has not ventured to call them; and I should be glad to know, when you come to consider the proceedings of the 29th of January, 1794, in which the most excellent address of the London Corresponding Society is approved by the Constitutional Society, and approved in the hand-writing of Mr. Tooke himself, I should be glad to know why none of the persons present at that meeting were not called to prove what that address meant? Why was not Lovet called to shew that Mr. Tooke had nothing to do with the resolutions of the 14th of April, and the resolutions of the 27th of March, 1794, stating they are to have that meeting

meeting at Chalk Farm—They have not even dared to call one man of either of the two societies to say that Mr. Tooke had no connection with any of these proceedings.

Gentlemen, you will give me leave to say, the observations which have been made upon the evidence produced on the part of the crown, compared with the inferences which are to be drawn from the omission of such material evidence on the part of the gentleman at the bar, are mere chaff, and must stand for nothing. It is impossible but he could have proved all this—it is not possible to suppose he could not call those gentlemen either from the London Corresponding Society, or from the Constitutional Society. Having stated that general observation upon the deficiency of evidence upon the part of the defendant, you will give me leave to apply myself to the evidence which has been produced.

Gentlemen of the Jury, you have heard stated to you the conduct of the gentleman at the bar with respect to the Revolution Society in the year 1790; now here again I make another observation upon the defect of evidence, for these sort of observations are frequently as weighty as observations upon evidence actually produced, and I beg my Lord's attention to it; it appears to you, in evidence, that the Revolution Society must have presented an address upon the French revolution in the year 1790—Give me leave further to say, I do totally and absolutely deny, that a correspondence with a foreign country, not at war, is no act of not compassing the King's death: Lord Mansfield says, "that if persons carry on correspondence with others not at war, with intent that mischief should be done, and to create disturbance in this country, that correspondence of that sort is an overt act of compassing the King's death, within the statute of Edward the Third."

Gentlemen, I had rather suffer the pains of treason myself than call upon you for a verdict against the prisoner at the bar, unless you are satisfied of his guilt; but you have had nobody produced to you to state what it was produced this address in 1791, a most remarkable æra in the history of this business, what I state is this, that the constitution of France, in the beginning of the year 1791, formed, with a preamble to it, almost *totidem verbis*, with that which introduced the resolutions of the Southwark Society, which are entered in the London Corresponding Society's books; that constitution of 1791 had been built upon what had been called in France, and with some degree of absurdity, everywhere, the Rights of Man, and the Rights of equal active Citizenship; that right which the gentleman at the bar, in his letter to Lord Ashburton, says did not belong

belong to any body, for he says, "there is a very great difference between having an equal right to a share, and a right to an equal share:" But, Gentlemen, the constitution of France was built upon the Rights of Man; I have proved that Mr. Paine was an honorary member of the Constitutional Society, and Mr. Tooke was a member: I never told you he was the father of it: Mr. Joel Barlow was an associated member of that society upon the recommendation of Mr. Tooke, and one and all of them foresaw that the principles of the Rights of Man could not exist together with a King in France. And the whole tenor of the evidence shews they meant to introduce into this country a new government, that is, to enlist the lower orders of men, and by their physical strength (as I shall state presently) to bring about a constitution founded upon the Rights of Man, like that in France, which would necessarily reject the King, as they did in 1792. If they could get a constitution in this country founded upon those principles, that was the constitution they looked to; and the ultimate object they looked to was the deposition of the King of England, as the King of France has been deposed.

Gentlemen, at what period it was Mr. Paine came over I do not know; but this is clear upon the evidence, that he frequently attended the Constitutional Society—it appears also, that he belonged to the Corresponding Society, and I submit to your judgment also, and here let me make a remark, that the Society for Constitutional Information associated with twelve members from Norwich, with twelve members from Sheffield, and with members from other places, not one of whom is called to prove they knew the conduct of the prisoner; I state, that not one person has been called to you to shew that all these associations were not the work of the gentleman at the bar. Being thus associated, we are now in the possession of the Constitutional Society, the London Corresponding Society, and the Sheffield, Manchester, and Norwich Societies; you find afterwards they came to Derby, Leeds, and various parts of this kingdom, and some parts of Scotland—What is that correspondence for?—How am I to argue this?—I profess I do not know how to express myself. On the part of the gentleman at the bar, an attempt has been made to inform you, that he not only is not a friend to universal suffrage, and to the destruction of monarchy in this country, but that he is a friend to a limited Reform of the representation in Parliament; I say, if that was to be brought about by force, against the King, it is high treason. How does that stand—I beg your attention to the communication with Norwich, and from Norwich, Manchester, and Sheffield, and to the communications between all parts

parts of this kingdom, who have communicated with the Constitutional Society—how is it to be reconciled to the design of a person meaning well to his country, that the only works which they circulate to each other, are the works of Mr. Paine, namely, the Rights of Man, part the first and part the second: I call upon my learned friend to state what it is they could mean by circulating these works, if they were sincere in the intentions which the evidence of the defendant is supposed to bring before you, when it is not in the power of any man living, and I defy the most ingenious man that exists to shew, taking the whole of the work together, that it is not a recommendation of the destruction of monarchy, and the destruction of monarchy in this country.—It does not rest there; you have had witnesses called to you, who stated what was the intention of distributing those books; now observe, what a shift my learned friend was put to about the distribution of those works of the Rights of Man;—I have no difficulty to say, it is a question proper to be considered, whether the publication of the second part of the Rights of Man, the Letter of Paine to France, and the Letter of Paine to Mr. Dundas, as applied to this country, were not published by the Constitutional Society for the purpose of overturning the government of this country?—Says my learned friend, it was not the monarchy of France that was attacked, it was not Louis the Sixteenth.—No, Gentlemen, but it was the family that came from Hanover—that came from Zell—it was the monarchy of England only that was to be destroyed, and these friends to that viper monarchy, distribute these books—and for what purpose, give me leave to ask you, which I hope I may do for the benefit of this country, whatever may be the event of it, whose peace and safety ought to be the wish of us all. What would you say of those connected with Mr. Broomhead, meaning to recommend nothing like universal suffrage, and meaning to recommend nothing but loyalty to the King and to the country, and had done these acts; I am persuaded there is nothing I could say hard of my learned friend, that he would think himself not deserving of, if he had suffered himself so to act. I cannot apply myself so to the prisoner at the bar, because the humanity of the English law will not permit me; but I feel this part of the case to be a part most essentially requiring your consideration; I say those Rights of Man, which were published by the different societies, and recommended to be distributed, to the amount of 200,000 copies, were intended to be printed for the very purpose of infusing into the minds of the people of Great Britain ideas prejudicial to monarchy—Recollect what sort of men composed these societies in the country. There is not an individual

in this country that is not intitled to the protection of the law, and regard of the legislature, as much as the proudest man living:—In our several stations we are all useful and valuable, and God forbid! I should be understood to state a single word that looked like disrespect to any subject in this country; but this I must say, if there were persons in this country who knew they must not address such doctrines as these to men who felt they had an interest in supporting the monarchy and the constitution of the country, because they know its value in consequence of having experienced it, and enjoyed the fruits of it, from a just conclusion drawn from the government; would they have published them in order to influence the lower class of people, without some intention, when they are addressed to men who don't understand the distinction between abuses in the government, and the vices of the constitution—could it be done without some purpose? And if you want demonstration, the only purpose was mischief, and the attempt to shew that the publication was more ample and more numerous than they themselves knew it to be, is a stronger proof of the mischief of the intention.

Gentlemen, give me leave to call your attention to the letters from Mr. Joel Barlow, of the 6th of October, 1792, and I beg your attention to that letter when it is summed up, because it contains, in truth, the essence of this conspiracy.—Mr. Joel Barlow was a member of the Constitutional Society with Mr. Paine, and was introduced into that society, as appears upon the books, by Mr. Tooke—upon the 6th of October, 1792, he writes to the Constitutional Society, and informs them that the event had taken place in France which was expected to take place there, in consequence of their having adopted the principles of the Rights of Man; he states, it had been the reasoning of the Constitutional Society such would be the case:—he states, the principle of their society was to enlighten the people, and by enlightening to dispel the cloud that seemed to hang about them. What is it his book says?—and I must observe to you that my learned friends would not say one word upon them.—His book says this, “that the deposition of the King of France was in consequence of the constitution being founded on the principles of the Rights of Man”—That does not relate to the monarchy of France only, but it is a clear recommendation to the people of England to do the same thing upon the same principles. What was done upon that?—Does Mr. Tooke say, “Why, Mr. Barlow, I have been at meetings in the years 1780, 1782, and 1785—I have been at a meeting about the regency, and at Lord Hood's club, and I have stated myself to be a great friend to monarchy, and I

have put on a coat with an orange cape ;—how is it possible I can receive such a publication, or a work so infamous, without protesting, being a friend to monarchy, such a book as this shall not go out into the world ?” Mr. Tooke, with all his loyal principles, does not say that ; but there is a vote of thanks to Mr. Barlow for this work, recommending the destruction of monarchy in this country—to that Mr. Barlow whom Mr. Tooke introduced, and not only a vote of thanks, but the address of Mr. Barlow, and the answer of the Constitutional Society, are ordered to be published in the papers. For what reason was that ?—for no other reason than this, that those persons who meant nothing but a limited representation, wished to call the attention of the public to a work which recommended the destruction of monarchy in this country !

Gentlemen, is that all ?—Mr. Margarot and Mr. Hardy being two leading members of the London Corresponding Society, which, as I before submitted, was modified by Mr. Tooke, those two men in August or September write to Mr. Tooke, to know his opinion about an address to the national convention of France, when the principles of the French constitution of 1791, had not yet rooted out the King of that country. The Constitutional Society in London never thought of addressing the government of France when it had a King, they therefore addressed the Society of the Jacobins ; but no sooner is the King gone than this society addresses the government of France also, which had no King, but a deposed King.—I beg leave to ask you what the reason was for that ?—I will not go through these addresses again, but I say distinctly, and I beg your attention to it, these addresses are, to all intents and purposes, the expressions of the wish of those societies, after the deposal of the King of France, to do the same here—mark the expression—“ they hope to have an alliance, not of the three crowns of England, France, and America, but a triple alliance of the people of England, France, and America.” You find, that when republicanism had taken place in America, its refulgence could not reach the continent of Europe ; but when it shone forth in France, then say the societies, “ mankind have become free ;” they say, “ their fellow labourers in the common cause, which 5,000 British citizens are ready to defend”—in another part they say, “ our hands are bound, but our hearts are free, and they are with you.”—Why ?—because the principles of the Rights of Man have driven the King out of the constitution of France, and they hope to drive the King out of the constitution of Great Britain. I insist that nobody can put any other construction upon them. Is this all ? Had not those gentlemen, and had not the gentleman at the bar, as early

as September, 1792, an intention of bringing about a revolution in Great Britain, by the efforts of a national convention in England? Give me leave to call your attention to what Mr. Frost and Mr. Barlow, who had been introduced into this society, and received the thanks of the society for the book he had written, state to the national convention of France;—and let me ask you, whether the project of the convention to be held in England was not to overturn the constitution and the office of the King—and whether it was not in the contemplation of these gentlemen, as early as October, 1792, and was the necessary effect of what happened in France?

Gentlemen, give me leave to ask you what is the reason my learned friend did not call Mr. Frost, who has been sitting in this court during a great part of this trial, to explain this address—“Citizens of France, we are deputed by a patriotic Society in London, called the Society for Constitutional Information, to congratulate you in their name upon the triumph of liberty—This society had laboured long in the cause with little prospect of success.” Gentlemen, mark those words, “before the commencement of your revolution:”—that is the 10th of August. Now, Gentlemen, do I do them injustice when I put the construction I do upon their address?—they go on, “conceive then their exultations and gratitude, when by the astonishing efforts of your nation, they behold the reign of reason acquiring an extension and solidity which promised to reward the labour of all good men, by securing the happiness of their fellow creatures.” Now, Gentlemen, I beg your attention to the next passage; this is addressed to the president of the national convention, in a country who had deposed their King—and giving me that attention, I call upon you, to say by your oaths, which call upon you to make true deliverance, according to the law of England, whether I have not under their own hand a declaration shewing their principles. They say, “innumerable societies, of a similar nature, are now forming in every part of England, Scotland, and Ireland—they excite a spirit of universal enquiry into the complicated abuses of government, and the simple means of a reform—and the minds of all receive from this circumstance a general impression which leads them to fathom them.” What is this?—it is not an application to Parliament, but it is an address to the national convention in that character—it is not after the example of the gentleman at the bar, as you are told, but they say, “after the example France has given—the science of revolution will be rendered easy, and the progress of reason would be rapid—it would not be strange, if in a period far short of what we shall venture to predict, addresses of felicitation should cross the seas to a national convention in England.”

Now I ask you how that was to be brought about—Was it not to be brought about upon the principles of those gentlemen, by those societies which they state to the French National Convention were forming in England upon the same system and principles the National Convention of France existed upon? What was to be the effect of the introduction of that system, upon which those societies were forming, it was to compose a National Convention in England, the same as that in France, to which addresses were to be sent from France as they have been sent from England? Did the president himself misunderstand them—and this deserves your attention, but I beg and entreat I may have the correction of my Lord, if I state it wrong, for I state that this shews the society had a project to form a convention like that of France, to overthrow the government of England; and, I say, that it is as criminal to the full as if it had been done at the time of open war. Can an English Jury mistake the intention of them when the president of the National Convention of France so clearly understood them. Hear the answer—“ Brave children of a nation which has given lustre to the two worlds, and great examples to the universe, you have addressed us with something more than good wishes, since the condition of our warriors has excited your solicitude.” Now mark this passage—Is it a fit thing for an Englishman, a friend to the constitution, and a friend to monarchy, to suffer to come into his possession an address from a national convention which had deposed the King, and assumed a power as extensive as might be.—“ Those who now defend our liberty (that is our French liberty, and for God’s sake who are they?) will one day become the defenders of yours.” I beg your attention to the interpretation of this passage—“ You are already entitled to our esteem, you will accept our gratitude, the sons of liberty throughout the world will never forget their obligations to the English nation.” I don’t like to apply hard words, but what is it to the English nation, this is the effect of that fraud which I complain of in their publications, misrepresenting their numbers; this is the most serious part of the case, for, when you recollect what the French Convention did, I think, upon the 15th of November, 1792, when they came to a decree that they would support all people, in all countries, who were willing to act for liberty against their King and Constitution, no man can entertain a doubt, or seriously hesitate to say, whether or not those addresses were not the cause of the calamities of the country in which we are now involved. Who are those English people these clubs dare thus to address? You see what they are; and this gentleman now at the bar, is to tell you that their funds were but small, and their numbers inconsiderable, though I shall shew you they represented

presented their numbers would be 700,000 males in this country, and they endeavour to turn into ridicule the funds of this society, by observations which I shall satisfy you have nothing to do with the case.

Gentlemen, they had no difficulty in speaking of the government of France as of the English nation. The president says, "The shades of Pym, of Hampden, and of Sydney, are hovering over your heads, and the period cannot be far distant when the people of France will offer their congratulations to a National Convention in England." Now, I will ask you, whether the president of the National Convention of France, such as it appeared on that day, ever thought of sending an address to a National Convention in England, like those in 1780, and 1785, which wanted to petition parliament? I say no human being can believe it. I desire you will attend to this—Was the characters of these persons mistaken? Or was their intention the destruction of monarchy? What says the president—"Generous republicans, your appearance among us, in this place, will form an epoch in the history of mankind; history will consecrate the day when from a nation, long regarded as a rival, and in the name of a great number of your fellow citizens, you appeared in the midst of the representatives of the people of France, and she will not forget to record that our hearts expanded at the sight. Tell the society which deputed you, and assure your fellow citizens in general, that in your friends, the French, you have found men."

Gentlemen, did the gentleman at the bar do otherwise with respect to this than he had done with respect to the publications of Barlow and Paine—I forgot to tell you, though he disliked Mr. Paine's writings, he had no objection to do what Mr. Jordan's and Mr. Chapman's evidence states—to be consulted about the publication—Had he any objection of the sort to be considered as a generous republican by the president of the National Convention of France? Did he tell Mr. Frost,—“Sir, you have exceeded your commission.” Did he tell him he had gone further than he intended, and abused his confidence in stating that to the National Convention; and, in addition to this daring abuse, he was guilty of a daring insult to bring back such addresses? No; but as they thanked Mr. Paine, and had ordered 12,000 copies of his works, so Mr. Joel Barlow and Mr. John Frost are paid for this great and loyal work they have been doing; they are paid for bringing back to England the sentiments of the president of the National Convention of France, that the Constitutional Society were generous republicans, and the thanks of the society are given to them, and not only that, but with a view to draw the public mind to them, the thanks of the society

are ordered to be published in the papers. What do all these things mean? It was not that the National Convention of France was the first period at which the National Convention of Great Britain was thought of; but here I call back your attention to the most important part of the evidence, I mean and beg to state it to my Lord, as it appears to be a paper of most excessive importance, a paper which, as I think, would have displaced the countenance of any man in those societies contending he was acting upon the Duke of Richmond's plan—I mean the address of the 6th of August, 1792, of the London Corresponding Society, upon which Margarot and Hardy consulted Mr. Tooke before the address was printed, I don't mean to say he gave them an answer, because I cannot prove it; but the Corresponding Society addresses the nation, and they state, with some truth, that there is no government in which some abuses does not exist, and they don't allow men of ordinary understanding to distinguish between the abuses in the administration of the government and the vices in the constitution, and this forms the mischief of corresponding upon such subjects with men who are not able to judge. Mr. Tooke has not ventured to call a single witness to disprove what appears upon the books of the 6th of August, 1792, near a year before the Scotch convention was thought of; and in that paper they tell the world—What are we to do? Are we to look to the King for redress? Are we to look to Parliament for redress? No; we are to look to the societies for redress; we are to look to the acts of those societies for redress; and there can be no doubt for what purpose they were to look to those societies, unless you can be made credulous enough to believe that those who disavow the intention of applying to Parliament, don't mean to hold that language about a National Convention to take place in England like that of France, but a National Convention in England for the purpose which they state. This is not all, for it is impossible it should be, look at the works of Mr. Paine and Mr. Barlow, which these societies have propagated, they don't only state the folly of applying to Parliament, but they go further, and state in the most distinct terms, if parliament would give them a new constitution they ought not to take it, unless it was consistent with the principles of the Rights of Man. What is a Jury to believe? That men professing those opinions mean to do contrary to them, and mean to do that which my learned friend has been obliged to insist, and which it was necessary he should, in order to make you believe they did not mean what these papers shew—that they meant to have such a National Convention in England as was in France, which was to act by force to overturn the government. The counsel for the gentleman at the bar has not

not ventured to state, that if they meant such a National Convention in England as was established in France, and that convention in England was to act with force, the gentleman at the bar ought not to be found guilty. Give me leave to say another thing; the counsel for the gentleman at the bar thought, somehow or other, it was necessary to apologize for the publication of those works, and I insist, and I call upon my learned friend to say whether I do it rightly; I do affirm, that if all these books of Mr. Paine were published one after another, with a view to bring about a National Convention in England, which was to overturn, by force, the government of this country, it is the crime of high treason. Say the gentlemen, if you don't think the gentleman at the bar did this, knowing the meaning of what he was doing, don't convict him, he is not an object of prosecution. The same argument would have been held in 1745 and in 1715, the principle is not to apply the law to all persons but to those only to whom it is fairly applicable. I prosecute this gentleman in the discharge of my bounden duty, having received his Majesty's commands, he being advised by a part of the constitution. I bring him here as person fit to answer to you, and to state what his meaning was, and what the project was he was finally to accomplish.

Gentlemen of the Jury, give me leave to ask you—Did it not appear to you, the counsel for the gentleman at the bar, felt the necessity of apologizing for the publication of Paine's book? He stated to you a fact, which I will not take notice of, because it was not proved, and one would wish, in the administration of justice, such facts were not mentioned, unless we have leave to state the same thing. He says, there was an idea Mr. Paine would not be able to support the prosecution, though my learned friend did not attempt to prove it. Did they wait for that? Look at the resolutions which have been read to you, and I cannot help begging your attention a little to this part; a libel has nothing to do with this cause, if there was a libel printed every day in the Constitutional Society, it has nothing to do with it, unless taking it by itself, it was an overt act of treason. When a prosecution had been commenced by his Majesty's Attorney General against a person who, I will venture to say, has done more mischief, in fact, than any one—What do the Constitutional Society do?—those friends of the monarchy of this country and the constitution; a prosecution was commenced against those parts of the work which run down hereditary monarchy. Mr. Paine immediately sends word he is going to publish a cheap edition; their poverty then stares them so much in the face, that there being but a rumour of a prosecution, Mr. Paine not stating to them, that upon a prosecution he had any inability to

to defend it, but upon rumour they form a committee to enquire if there was any truth in it or not. If the gentleman at the bar had really thought, as he is said to have thought about those parts, could he have doubted it was possible there would be a prosecution about them? If he held the language in 1782, 1783, 1785, and 1789, as is stated, would he not have said, "Mr. Paine—how can I contradict all the passages of my life, and become a subscriber to support you against the prosecution of a work I have always condemned, though I have been sending them to Sheffield, Norwich, and other places? How can I join in protecting you against such a prosecution?" Why, because it is impossible for me to say the law of the land is to be thus insulted, it is not so, and I beg your attention to it, it belongs to the attention of a Jury of a country, whether the law of England shall be equal to the functions the law of England has given it. I beg leave to say, if publications are dispersed and published, in the manner in which the Constitutional Society has the works of Mr. Paine, sometimes the London Corresponding Society has, and sometimes other societies, that the frequency of the application of the law of England makes the law of England a dead letter; the liberty of the press must be under the due animadversion of the law, it must not be under more, but the liberty of the press must never be so used, as by its licentiousness, to paralyse the arm of the law, and make it unequal to its functions. Is this all? Be so good as to look at all the parts of this book, the Rights of Man, Part the First and Second. Says the gentleman at the bar, don't condemn me, though I am supporting the person prosecuted for those offensive parts, I mean well. One witness has told you there are many offensive parts in the Bible, therefore is a man not to read the Bible, you must take the whole together; I beg leave to say, if upon looking at the First and Second Part of the Rights of Man, attentively, you can have a doubt those works were published with an intent not to benefit the monarchy of this country, I beg you to give the prisoner the effect of it; but I defy you, for I say you must apply the evidence the other way, for the letter to Mr. Dundas states, in the most distinct terms, the folly, absurdity, and nonsense of hereditary monarchy in any country; that is published, not by Mr. Paine, for that is a vast distinction, if a man published Mr. Paine's works, or I published them improvidently, without an evil intent, I don't say but it may afford a more favourable opinion, and require a great deal of evidence to shew whether I did or not publish them without an evil intention, but if I myself set up a press and print them, I am to all intents and purposes the author of them.

Now, Gentlemen, what is to be said, with respect to the London Corresponding Society, and the Society for Constitutional

tional Information, with respect to the publication I last mentioned, when they published the letter of Mr. Paine's to the people of France, when Paine was an occasional visitor, and became a member, upon his own principles, of that National Convention, with his associates Mr. Barlow and Mr. Frost, those parts are not to be misunderstood, and why were they published in England, except for the purpose of having an effect in England; that is a question which the counsel for the gentleman at the bar have not ventured to speak upon. You will find they say, "When the contradictions shall be removed, and the constitution be made conformable to the declaration of rights—When the bagatelles of monarchy," and these are the publications of people well attached to monarchy in this kingdom, "When the bagatelles of monarchy, royalty, regency, and hereditary succession shall be exposed, with all their absurdities, a new ray of light will be thrown over the world, and the revolution will derive new strength by being universally understood." And in another passage it is stated, "It is no longer the paltry cause of Kings, or of this or of that individual, that calls France and her arms into action, it is the great cause of all, it is the establishment of a new æra that shall blot despotism from the earth, and fix, on the lasting principles of peace and citizenship, the great republic of man." For what was France fighting, for herself? No; but for all nations, and this is the address of a member of the London Corresponding Society to the people of France, published for the benefit of the people of England. This is precisely corresponding with what Mr. Barlow had been doing on the 6th of October. Mr. Paine states, that he had endeavoured to come over from America to publish a work during the American war, to shew the folly, absurdity, and madness of our government; and he is an associated and honorary member of the Constitutional Society, and it is the uniform language of the author of such principles, that the Rights of Man necessarily lead to the deposition of Kings, and with that purpose, distinctly and clearly laid down, it remains but to be stated to you why those publications were thus circulated in Great Britain. Now for what the gentleman at the bar meant by a National Convention, I refer you again to the letter from the Editors of the Patriot, at Sheffield, which has those parts about monarchy and aristocracy, and I beg leave also to refer you to a letter sent to the London Corresponding Society (and the connection of this gentleman with it, I think, I have most fully established) from Stockport, of the 27th of September, 1792, in which they state themselves to be brothers and fellow labourers in the same cause, namely, in the cause of that freedom which was to destroy the vipers, monarchy and aristocracy. What do the freemen of

Stockport say in this letter to the London Corresponding Society of September, 1792, adverting to the letter of the 6th of August, 1792, with respect to which the gentleman at the bar had been consulted, they say, "Your paper of the 6th of August, does not rise high enough, for freemen wish to be governed by no power which has not been constituted by ourselves;" they say government is incompetent to it; they go on, "Can we expect it from the present order of things? Would not all the evil be done away at once by the people assembled in convention? Does it appear probable, that the odious laws which we complain of, will be abolished any other way? Can the grievances, arising from aristocracy, be redressed while the ——— retains its present authority in the legislature? Is the universal right of conscience ever to be attained while the bishops maintain their seats in parliament?" They say, "Will not every evil be done away at once by a convention?" There is then an answer sent from the London Corresponding Society, signed by Mr. Margarot, who was an associated member of the Constitutional Society, and by Mr. Hardy, who was also an associated and honorary member of the Constitutional Society, and to that letter I beg your attention when this cause is summed up. It states to those persons they are glad to find them so hearty in the cause, and they say, with regard to our publications, our sentiments are expressed in as strong terms as prudence will permit, yet plain enough, we imagine, to convince the public." In a former letter they say, "Numerous other reforms will undoubtedly take place, if the universal voice of the people was obtained." What other reforms? say those people writing from Stockport, "get but that, and all the other reforms you want will follow; point your object to that, that is as much as we can in prudence declare;" and they say, "our addresses are stated in as strong language as they could then venture to use." What was that? That they would seek no redress of the King; that they would seek no redress from parliament, but they would seek redress in their own societies. It was necessary to teach Great Britain what a National Convention of the people meant; the people of this country are extremely wedded to the constitution under which they live; opinion is the great support of this government, as it is of every other, and we have formed our opinion upon the experience of ages. I say, for myself, as a subject of Great Britain, I hope I shall be in my grave before we part with the benefit of that experience. I believe there are those individuals who, by delegation and otherwise, formed a Scotch Convention, and were about to form another convention, by the effect of the resolutions at Chalk Farm, by letters, by meetings in the open air at Sheffield, and a great many other things,

things, which my learned friend has not ventured to take notice of; and, I believe, my learned friend will say, with me, may we all be in our graves before this kind of system shall take place. No man will deny the great extent to which the country societies have been carried; no man will deny that the country societies have been taught to teach others. This country would have been the happiest in the world, as I believe it still to be, notwithstanding these doctrines, if these doctrines had not been propagated with that address, which makes the power of law unequal to the mischief; and, I believe, you would have had but few transactions before you of the nature of those you are now discussing, but it was necessary to work down the love and affection of the people for the constitution, in consequence of which the society at Stockport associated with them, and another society asks them, "if they are for ripping up monarchy by the roots?" they have a dark mysterious language, and that society desired to be satisfied as to their meaning; they tell them nothing, but misrepresent the case, and trust to all being right. They put people together in a coach, who are to go to Hounslow, they put all sorts of men together, some are to go farther than Hounslow, some are to get out before they come there, and others are to go to the farthest extent, but it is all for the purpose of carrying this project into execution; and they say, we desire you gentlemen to do that justice which is due to your country, and the gentleman at the bar is an essential part of the country—he is your country on this occasion; but you are to consider whether the purpose of the Constitutional Society was not to carry that project into execution at the hazard and danger of offending those who stated their meaning not to go to that length; when the coach had got to Hounslow he might not be able to get out; when he got there, those in the coach and upon it, might drive him a little further, if he happened to go with people who would go a great deal further than himself. With respect to the National Convention of France, and I beseech you to attend to it, on the 6th of August, 1792, they say, they have nothing to do with parliament, and that they had received an answer from the National Convention of France, under the circumstances I told you, now if these addresses meant nothing with respect to England, what do they mean? And what are we to say as far as they relate to Citizens Petion, Barrere, Andre, and Roland? From two entries in the books of the Constitutional Society, they state the speeches of Barrere and St. Andre, as given in the *Moniteur* of the 4th, 5th, 6th, and 7th July. I ask now, What was the purpose of this, for I have not heard it stated what object could the Constitutional Society have to answer by this? Were those who came to this resolution, and not only those who came to the resolution, but who ordered it to be printed in the news-

papers, did they mean any thing by it or not? If they did, it should be excessive glad they would tell me what they did mean by it, but to draw the attention of the public to the nature of that convention which they themselves meant to introduce into the different parts of this kingdom hereafter. If it was possible to explain it, I am sure it would have been explained, and you cannot say, that calling the public attention to what I am now going to state, is consistent with any of those transactions in 1780, or 1789, which you have heard relating to the gentleman at your bar, you will give me leave, when I state to you I know not how to reconcile them, to beg you will believe me to say, I do not know how to do it on the part of the gentleman at the bar; you observe the motion for admitting Citizen St. Andre has been produced in the hand-writing of Mr. Tooke, and you will recollect not one individual of the society has been called to explain this transaction. Those three speeches contain, first, A discussion of that principle of the law of England, the inviolability of the King, that is a part of the constitution of this country, which holds the King can do no wrong, and making other persons holding powers under the constitution responsible for the advice they give him. I ask why was the public attention to be drawn to the French newspapers, containing a discussion of the folly and absurdity of the inviolability of the King? I ask also if it was the principle of those persons, and of the gentleman at the bar, that there should be a meeting of delegates from the principal parts of this country to influence parliament, and through the organ of parliament to bring about a reform? I should be glad to ask you why such observations were made? On the last trial it was stated, and it was fit it should be understood, the prisoner could not be answerable for the addresses which came from France, as it might be supposed he could not translate them, and I admit he could not be so answerable as that gentleman must be upon whose motion it was referred to a committee. Now I will ask you, for what purpose this was held out to the public attention, and I will read to you what it is that the attention of the people of England is called to in January, 1793; "The people of Paris by making an holy insurrection against the King, on the 10th of August, deprived him of his character of inviolability. The people of the other departments applauded this insurrection, and adopted the result of it; the people have, therefore, formally interposed to destroy this royal inviolability Louis was invested with by tacit consent of the people, which rendered his person inviolable, their tacit consent has deprived him of the same; and, therefore, this inviolability of the King cannot be absolute, it is only with relation to the other branches of the constituted authorities."

Gentlemen,

Gentlemen, for what earthly use could it be that the attention of the people of England should be drawn to a speech with respect to the King of France? Why was the attention of the people of England to be drawn to those doctrines, certainly not to be stated in a court of law in England, that they should be taught those principles? To whom were they to apply, were they to co-operate in establishing the violability of the King of France? Or what is the purpose of these gentlemen, but to tell the people they were to insist in holy insurrections, which is called the tacit repeal of this inviolability? What was it but to tell the people, who were to meet in that National Convention, which I insist upon it is perfectly clear, because the evidence has proved it, that the convention in Scotland caused the most serious alarm to this country, and I doubt whether any man sitting under the commission of the King of England will not say, if it had been suffered to continue, the consequences would not have followed which I have described. I speak that from higher authority than my own. For what purpose was it they wished to propagate these doctrines? I say it was for this purpose, because no other was established, namely, that if the convention in England found it necessary to carry its purposes into effect, they were to consider themselves as being in a state of holy insurrection; they were to consider themselves justified as well as the convention in France considered itself justified.—What is the idea of the gentleman at the bar, who, it is stated, took pains to confine his ideas respecting the convention, and see how far it is consistent with the idea of applying to parliament, either with due or undue influence, and how far it does or not fall in with the principle, rule, and conduct which was laid down in the London Corresponding Society, on the 6th of August, 1792, they were not to apply to parliament, but to depend upon themselves, who were to redress themselves by their own laws, not by the laws of their plunderers, enemies, and oppressors. Hear the words which were recommended to the people of England.

“A Convention is a constituent body, i. e. a body that is to make a Constitution for the people.—A legislature makes laws under an established Constitution, and in conformity to it. It is despotism when in the ordinary and permanent establishment of a state there is no separation of powers; but it is of the very essence of a constituent body to concenter, for the time, all authority.—It is the very nature of a National Convention to be the temporary image of the nation, to unite in itself all the powers of the state, to employ them against the enemies of liberty, and to distribute them in a new social compact called a Constitution.”

Gentlemen,

Gentlemen of the Jury, this is not an actual publication of the paper, but it is a species of the publication of the paper, and is not this the substance of the acts of the Constitutional Society, which makes it impossible to give them belief, when they state their intentions to be otherwise. Is it not giving to the people of England the character of a convention competent to do all which has been recommended, and you will find it is consistent with every act they have done in Scotland, and also in England in April, 1794.

Gentlemen, there is evidence to which, when it comes to be stated, I desire your particular attention, I mean the letters which passed between January, 1793, and the 16th of April, 1793, a period prior to the dispersion of the Scotch Convention; they deserve all the attention which can be due from a Jury to any subject, and by whose verdict, after all we have to say about the constitution of the country, that constitution is to live and breathe, and feeling, as I dare say you do, the great importance to the country of the duty you have by and bye to discharge, I hope you will allow me to go through it if I can.

Gentlemen, petitions were sent to that parliament, to which, upon the 6th of August, 1792, the London Corresponding Society, modified by the prisoner at the bar, had said, it was in vain to resort, and not only that it was in vain to resort to it, but it was not consistent with their principles to do that which they wanted. What did they do? You will find a great variety of letters, and I beg your attention to them, letters from various societies desiring to know what was to be done about petitions, for that is the substance and effect of them all, and I wish not to waste your time by going into particulars, they contain such foul aspersions upon the aristocracy, and the higher orders of life, that, upon my word, you can hardly read them without shuddering, but they put distinctly, in more than one or two instances, the question—What is it we are to do? Shall we petition the King? No; that is fruitless. Shall we go to the Parliament? No; we are an oppressed people? Shall we have a Convention? Aye; that is the thing to which we look, when the people shall become virtuous and courageous enough to obtain it.

Gentlemen, I beg your attention, I have before stated that it was to be done by their own strength, that it was to be done by applying the valour of their forefathers, that it was to be done by petitions from the united affiliated clubs, till England shall become free as France is, till those societies are spread from city to city, from town to town, from village to village, from hamlet to hamlet, till they cover the face of the earth, and then it is the Nero's of the day shall fly before their oppressed subjects.

jects. Then they tell you in another letter, and it is the only letter which the counsel venture to observe upon, written in 1792, they say, we will give you advice, but in the mean time don't trouble us about ripping up monarchy by the roots. What is it the Sheffield people say? They say their voice, together with that of their countrymen, will resemble, perhaps, the thunderings from Mount Sinai, and they shall tell the 558 gentlemen in St. Stephen's Chapel, to march out about their business.—Will any person tell me this is not a conspiracy to act by force? Can any body find a distinction between a conspiracy which is to bring people together, who must act with force, rather than desert their object, and a convention, such as this gentleman states his intention to call? He could not but know the legislature of the country would not permit it to execute its purpose, and if it was determined to accomplish its object, it must act by force; and it is clear, if he did not individually, those he corresponded with must be disposed to act by force, and he must be answerable for their offences up to the 16th of April, 1793, on which day a letter was written, which I have so often observed upon, and another to the London Corresponding Society, of the same sort. I say it was a project to petition parliament merely to insult it, and to make even parliament the organ and instrument of circulating libels through the country; for in those letters they say, apply to the King;—that is foul;—apply to the parliament;—that is like oppressed people, but they must look (and this is as early as the 16th of April, 1793), they must look to a convention, by which, says the Constitutional Society, we suppose you mean a convention, mind the word 'convention,' of persons who are to do what parliament will not do; a convention of those societies which was to do that which the King nor Parliament neither would do, nor, according to them, were competent to do. Was that the hasty work of an inconsiderate man in a moment? No; but you find they write to all the societies in the country upon the subject, they beat up for subscriptions for the convention in contemplation, of the 16th of August, 1792, and dispersed the publications as I stated; they beat up for subscriptions for the object of petitioning parliament for no other purpose than to induce the subjects to think upon this plan, by which they were to bring about relief for themselves. This was in April, 1793, when things were going on at a rapid rate, and it is surprising how many well meaning men might be drawn into, I don't know what to call the practice, but be drawn into the practice of having sham petitions made to deceive poor ignorant men, and to see so many men in all parts of the kingdom embarked in a project of this kind

kind and is really painful, to see to what an extent this has been carried, is almost wonderful.

Gentlemen of the Jury, you find a great number of societies in Sheffield, and at Norwich, they represent their numbers to be six thousand, when it appears they were but six hundred. For what could that be but to make the people think them considerable, this goes from place to place, and they were taught to believe that great numbers existed where there really were none, till at length the project of the convention in Scotland is carried. Give me leave to call your attention to the Society of the Friends of the People; don't let me be understood to say, for I mean not to be taken to say there are not societies of men in this country who may in a great variety of ways, bring about a reform which is consistent and agreeable to the constitution, proceeding by application to parliament. I cannot undertake to define the degree of influence they may have, but I find nothing in the Society of the Friends of the People, and I speak my humble opinion, that seems to have gone too far; but there is an important fact that those gentlemen informed the society for Constitutional Information, so early as the 9th of May, 1792, that they could not but look upon that society as going to very dangerous lengths; that they themselves meant nothing like anarchy and confusion, therefore they could have no correspondence with them. I mention that fact as I understand it, because it appears to me not to be out of place, merely to shew how these societies are made the tools of each other. The answer from the Society of the Friends of the People, as Major Cartwright tells you, was carried by the casting vote; and how can I illustrate the dangerous tendency of these things more than to say if it had been carried the other way by the casting vote, the Friends of the People would have been holding the language of the Constitutional Society in effect, but they dropped all correspondence with them. I would not mention this, but it leads me to a circumstance which I had nearly forgot, as it affects the gentleman at the bar. The Constitutional Society corresponded with the society at Sheffield, and it appears that the Society of the Friends of the People corresponded with the societies at Sheffield and Norwich. On the 26th of May, the society at Sheffield wrote a letter, which has been produced in evidence, in which they state; they find the Society of the Friends of the People are not going upon the principles of the Rights of Man, that they will have nothing to do with them, but they will be governed by the Society for Constitutional Information, and go to any extent that society will permit. Does not this shew that society was, in truth, in the hands of the Society for Constitutional Information,
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in London, and that it was an engine to a considerable extent in the hands of the gentleman at the bar. Another thing I have to observe upon before I come to the Scotch Convention—you was told that the gentleman at the bar was merely a visitor in this society—now if the evidence states a flat contradiction to that, it will be for you to consider for what purpose it was; and it is very remarkable that there are very few instances to be found, during the course of the three years which have been talked of, that the gentleman was absent from that society; and I am sure I shall not be thought to make an improper observation, that the accuracy with which that gentleman remembers transactions in that club, and things of that kind, is not the least remarkable circumstance in the course of this cause.

Gentlemen, before I speak of the Scotch convention, you will permit me to observe, they state the funds of the Constitutional Society were small, that their numbers were not many, and that they did not mean to act with force.

Gentlemen of the Jury, till those circumstances took place in France, upon which the gentleman at the bar has been acting in this country—this sort of project was never thought of, which has been the project meant to be carried into execution. It was not the strength or numbers of the Constitutional Society, it was not by the numbers of any other associated society, but it was by the strength of the London Corresponding Society, consisting of some thousands, it was the strength of the societies affiliated with these societies, that the object of this society was to be carried into execution. In 1793, they say, when they can exert the valour of their forefathers, and when that time shall come, then, they say, they will act. You will see in 1793, and 1794, they say, not only the time is now come, but, they say, the time is come when they must act, or they lose the opportunity for ever;—endeavouring to mislead the people by saying, ‘the Hessians and Barbarians are upon them, and they must act with force.’ It is a singular circumstance that these affiliated societies in the country should all at once be desirous and wish for a connection with the society in London, that the parliamentary reform should grow so ripe in the country, and that it should happen all at once, without any management; and yet they want you to believe they associated themselves with the society in London without any management.

Gentlemen, we then go finally, in 1793, to the Scotch convention; and, I say most distinctly, it has been contended on the other side, that the gentleman at the bar is not answerable for the proceedings of the Scotch convention, that he lived at Wimbledon, and not at Edinburgh;—that is an undoubted fact—but, I say, it is distinctly clear upon this evidence, and I beg your

attention, that the Constitutional Society, in London, with the Corresponding Society, directed the proceedings of the Scotch Convention; and I submit, the Scotch Convention never would have met a second time to commit those actions, but through the Constitutional and London Corresponding Societies, in London, as they were connected with Skirving and Gerald.—Gerald was proposed by Mr. Tooke, and it is impossible to deny that the Constitutional Society were connected with Sinclair.

Now, Gentlemen, there is a letter of Skirving's, which is in evidence, which was sent up to the Constitutional Society, being a circular letter which he sent to call back the delegates; when Margarot, Gerald, and Sinclair, got back to Scotland, there is another letter, in which they state the necessity of having a convention, in order to bring about what they call a union of the two nations; a pretty remarkable effect it was to have, to petition parliament. Mr. Sinclair comes up to the London Corresponding Society; publications are made of the proceedings, and ordered to be printed in the newspapers, and measures are finally taken, which I must detail to you—I ask then if the Constitutional Society were surprized into this measure of sending delegates? And if Margarot, Gerald, and Sinclair had no connection with the Constitutional Society, and privity with Mr. Tooke? Why has not Mr. Hardy been asked that question? But you are told they wanted funds. You will give me leave to say it is a singular circumstance to happen in Great Britain, that the mere sending down Margarot, Gerald, and Sinclair; Gerald from one society, and Sinclair from another; that a convention should be held, which consisted of no less than 180 delegates, and as has been submitted to you with a view, if they could get a convention in England and Scotland, they would represent above a majority of the male adults in the kingdom. Great solicitation is made from the London Corresponding Society to Sheffield, Leeds, Norwich, and other places, to send delegates to the Scotch convention; the sending those delegates is also another act of the Constitutional Society.

Now, Gentlemen, those persons are represented to you as meaning nothing more than a parliamentary reform; and if nothing more was meant than to petition parliament why did they do this? I must beg your attention to what their proceedings really were—this society, after it had received an encouraging visit of the delegates from London, is found speaking of the project as being intended to establish an indissoluble fraternity between the two nations, and to adopt those measures which were at last to save the country; it appears that Margarot represents the societies as very numerous, though fluctuating in London; that in some parts of England the reformers
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amounted to 50,000, and that if they could obtain a convention they might represent six or seven 100,000 males, which is a majority of all the adults in the kingdom. They then proceed upon a plan of general union of the two nations; they meet first at a place called Convention Hall, and then they move, that the Convention should be stiled the British Convention of the Delegates of the People. I venture to assert, that no body of men ever ventured to call themselves what they called themselves, that is, a Convention of the People, unless it was to over-rule the legislature of the country. They then divide themselves into sections, and they divide the country into departments, they receive patriotic donations, which are entered in the minutes; then they come to a resolution which has been commented upon, but which is of infinite importance, because I take it to be clear proof the Convention in England was to act with force, in case it met with resistance. I shall have to call your attention, by and bye, to the meeting at Chalk Farm, for which, I contend, the gentleman at the bar is responsible; and when you connect all that past in the Scotch Convention, what passed upon the 24th of January, the circular letter of Hardy, the meeting in the open air, and the proceedings of the 14th of April, at Chalk Farm, together, I say 'tis not according to the nature of evidence, that the effect of those proceedings could be less than this, that they meant to supersede the legislature of the country, and to carry that project by force. This which has been produced to you, is in the hand-writing of Sinclair, the Delegate of the Constitutional Society; and I observe the gentleman, who contended last for the gentleman at the bar, was obliged to say this, was really nothing more than an intention to resist some one act of the legislature. Before I observe upon that, let me say this, that if the delegates of the Constitutional, or London Corresponding Societies, have gone one jot further in that convention than was agreeable to their instructions, they are not actions for which the gentleman at the bar is responsible, unless you can be satisfied he has approved of them, and has gone on in England to do acts of the same nature.

Gentlemen, in the convention they stand up and join hands, meaning success to the convention. It is said this was attempted to be done at Willis's Rooms, and a learned gentleman, who sits by me, is supposed to have proposed it, and I know no man more likely to join in wishing success to his country; but give me leave to ask you this question—What must be the persuasion of the mind with regard to the nature of this act of the gentleman who found it necessary to resemble such an act as this, to such an act as I have been speaking that took place in Willis's Rooms? They say,

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“ Resolved,

“ Resolved, That the following declarations be inserted in our minutes.”

You will permit me to tell you, they were not inserted in the minutes, they were too dangerous; but I will shew you they were communicated, they say,

“ Resolved, That this convention, considering the calamitous consequences of any act of the legislature, which may tend to deprive the whole or any part of the people of their undoubted right to meet, either by themselves or delegation, to discuss any matter relative to the common interest, whether of a public or private nature, and holding the same to be totally inconsistent with the first principles and safety of society, and also subversive of our known and acknowledged constitutional liberties, do hereby declare before God and the world, that we shall follow the wholesome example of former times, by paying no regard to any act which shall militate against the constitution of our country, and shall continue to assemble and consider of the best means by which we can accomplish a real representation of the people and annual election, until compelled to desist by superior force.”

Gentlemen, when I come to detail to you the resolutions come to at Chalk Farm, you will see that expression, and what it means. It occurs to me, that Mr. Sinclair did not find himself in a situation to proceed much to resist superior force, but you will see what steps were taken in February, March, and April. Mr. Skirving, when he was turned out of the chair, did not resist, because there was not physical force; but it is stated, the convention of Scotland were to say to the legislature of England, “ Though you, as the King and Parliament of England, have passed an act of parliament, we, being a convention of the people of England, will pay no regard to that act, we have a right to judge of it whether it is constitutional or not.” What does this mean? I ask you, as men of understanding, upon your oaths can it mean any thing short of this—That if the legislature thought it necessary, because these people, by their own force, were about to overturn the government and introduce a convention bill, that a privilege should be parted with for the public safety for a little while, in order that it may be preserved for ever—Is it not saying that we will oppose force to force, and we will not stop till we have gained our ends, or until we are resisted by superior force, but if we get a convention in England and Scotland, to represent 700,000 persons, that is the majority of the adult males in the kingdom, they must be the superior force of the country? I am now going to read a passage, and I cannot forbear thinking it means neither more nor less than what

what I have stated ; and, I think, human understanding can put no other interpretation upon it; they then say, " Or in case of any innovation, or admission of any foreign troops into Great Britain or Ireland, for suspending the Habeas Corpus Act, for proclaiming martial law, or for preventing the people from meeting in societies for constitutional information, that on any of these emergencies the general committee shall issue summonses to the delegates of each division." Now why was a convention of the delegates of England to meet, in case of any innovation, when they declare their intention to rally round the throne in the loyal execution of their duty as loyal subjects?—if they were to do that they would be under the direction and controul of military power. Why were they to meet in case of the admission of foreign troops? What had the admission of foreign troops in Great Britain or Ireland to do with a body of people who professed in behalf of the gentleman at the bar, and the necessity of the case obliged them to admit it, that force was necessary?—I should be glad to know what the admission of any foreign troops into Great Britain or Ireland had to do with a meeting of the convention of the people, for the purpose of petitioning parliament, and by influence, due or undue, much or little, to obtain their object? What did they mean by resisting, unless they had an idea that the admission of foreign troops into Great Britain or Ireland, those troops being under the controul of the legitimate power of the country, would be a force to act against that force they meant to bring? They say, " that all or any of these calamitous circumstances shall be a signal to the several delegates to meet and proceed to business."

Gentlemen, there was a project in that convention to petition parliament, but they passed the order of the day upon it. Did they mean to petition parliament? They call themselves the House of Convention; they have their committee of safety, their committee of union and of finance, and they come at last to take the very title of the National Convention in France, with this difference, that one is the British Convention, and the other is the French Convention; they date their proceedings the first year of the British Convention, and they call themselves One and Indivisible.

Gentlemen, I am told that the funds of this society were small; I am surprized to hear that remark, but it is the only one that could be made upon it. I must not be told the funds are small, Margarot says, " Money, money! is all that is wanting;" and Martin says, in one of his letters, " the monied people begin to put their hands to the bottom of their pockets, and to sit down with pleasure among the honest men with their leathern aprons."

Gentlemen,

Gentlemen, it is not merely money that is to do the business; the plan of affiliation, in another country, was not carried on by money, but by the physical strength of numbers, that physical strength which Mr. Joel Barlow describes in his letter; and it is rather idleness to be stating that proposition, if they united physical and natural strength, and could represent 700,000 adult males. It has been argued this could not be treason in the Scotch Convention, because they were not prosecuted for treason.— Upon the subsequent discovery of facts, that passed after the convention, it would have been a bold thing for the crown officers of Scotland to have said, we will impute this, as being what unquestionably it was, an overt act of treason. I say, if the crown officers of Scotland had ventured upon a prosecution for high treason, they would have had a short cate in proving the conspiracy that existed in the convention; and I have no scruple to say, because I said it in parliament, therefore there can be no harm in saying it now, that if the interests of the kingdom had been submitted to me, I should not have had any difficulty in saying I thought it high treason: I take it to be so. When my learned friends talk of an insurrection to levy war being proved to make it treason, and that there is no evidence in this case to make it out, unless there is no law in England by which a man can say this coat is my own, I say, a conspiracy to remove the counsellors from the person of the King, to dethrone him, or to imprison him, though it does not effect his life, and though the parties may profess great attachment to his person, it is an overt act of high treason, and it would be a singular thing if it was not, and a conspiracy to compel him by force to remove his counsellors, is as much an overt act of high treason as any Mr. Justice Hale or Mr. Justice Forster have stated to be so; but upon that you will receive my Lord's directions by an bye.

Now then, Gentlemen, we come to the proceedings of January, 1794, and you will permit me to call your attention to them, because they are of great consequence in this business; I say it is impossible for the gentleman at the bar to contend he was not a party to these proceedings, or to deny he meant to carry his project by force. I will not go through the particulars of the evidence here, which lead to the adoption of Sinclair's proceedings in the Scotch Convention, but I must refer you to the resolutions in the society's book, repeated again and again, when they took his letter into consideration; I must refer you to a letter which Mr. Tooke himself wrote, where he speaks of sending Mr. Pitt to Botany Bay, which cannot be represented as a letter requiring a subscription, for it is a direct adoption of his whole conduct; and it states Mr. Sinclair not only

only to have acted well but to have acted moderately. I beg leave to call your attention to the resolutions of the 17th of January, 1794, where Mr. Gerald took the chair immediately after Mr. Tooke left it, and proposed a resolution as offensive as any of them, and no single person has been called to prove that Mr. Tooke did not remain in the room; there is no doubt he did not remain in the chair, but that is not necessary, for I shall shew you they were adopted in fact in the London Corresponding Society. While Mr. Tooke was in the chair they came to this resolution,

“Resolved, That we recal to mind with the deepest satisfaction, the merited fate of the infamous Jefferies, once Lord Chief Justice of England, who at the æra of the glorious Revolution, for the many iniquitous sentences which he had passed, was torn to pieces by a brave and injured people.

“Resolved, That those who imitate his example deserve his fate.

“Resolved, That we see with regret,” (and you will observe that the counsel for the prisoner felt themselves bound to get rid of it) “but we see without fear, that the period is fast approaching, when the liberties of Britons must depend not upon reason to which they have long appealed, nor on their powers of expressing it, but on their firm and undaunted resolution to oppose tyranny by the same means by which it is exercised.”

Now I will ask any man what that means? The courts of justice in the country, acting under a responsibility, have passed sentence upon them more mild than any in any other country whatever, and which is come under the review of parliament; and we are told upon this, that the time is fast approaching when the people of this country are to resist tyranny by the same means by which it is exercised. What is the meaning of that, I say, when a legitimate government is called tyranny, and it is said you are to resist it by the same means by which it is exercised—you are to resist it by force—Did they so think of it in the letter of the 11th of January, 1794, written by Mr. Hardy, who might be called to prove the prisoner knew nothing of this paper, there it is expressly stated, that “now is the time for us to do something worthy of men.” Then they proceed to the address of the 20th of January, 1794, and with respect to that I defy the wit of man to give it the construction they find themselves bound to give it on the other side; after the introduction, they state, they approve of the wisdom and conduct of the British Convention; they say, “we all approve the sentiments, and are daily repeating the words, for which these our respectable and valuable brethren are thus unjustly and inhumanly suffering;” they state,

“The Irish Parliament and the Scotch Judges, actuated by the same English influence, have brought us directly to the point; there is no further step beyond that which we have taken. We are at issue. We must now chuse, at once, either liberty or slavery for ourselves and our posterity. Will you wait till barracks are erected in every village, and till subsidized Hessians and Hanoverians are upon us?” What is the meaning of this? they say, “If foreign troops should be introduced into Great Britain, by act of Parliament, they would resist until they were overcome by a superior force;” it goes on, “You may ask, perhaps, by what means shall we seek redress? We answer, that men in a state of civilized society are bound to seek redress of the grievances from the laws, as long as any redress can be obtained by the laws. But our common master whom we serve (whose law is a law of liberty, and whose service is perfect freedom) has taught us not to expect to gather grapes from thorns, nor figs from thistles. We must have redress from our own laws, and not from the laws of our plunderers, enemies, and oppressors.” Who are they speaking of when they say their plunderers, enemies, and oppressors? You remember those addresses to France, which I have stated to you, and you will not forget to observe upon this passage, “that we must have redress from our own laws, and not from the laws of our plunderers, enemies, and oppressors.” What laws are there in this kingdom to which that can be applied, but the laws of the King, Lords, and Commons in Parliament assembled? If I mistake the interpretation of this, I hope my Lord will give you his interpretation when he comes to sum up; but I state that to be the necessary exposition and meaning of it. They say, “There is no redress for a nation circumstanced as we are, but in a fair, free, and full representation of the people.” Give me leave to ask you, after all you have heard about monarchy—Whether this full, fair, and free representation of the people, was to be the effect of their laws and not of the laws of the King, Lords, and Commons, who they thus dare to call their plunderers, enemies, and oppressors? And whether the measures would not lead to the deposition of the King, and in consequence of that deposition, to that which is not far distant—his death?

They say, “Resolved, That during the ensuing session of Parliament, the general committee of this society do meet daily, for the purpose of watching the proceedings of the parliament, and of the administration of the government of this country. And that upon the first introduction of any bill, or motion, inimical to the liberties of the people, such as, for landing foreign troops in
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Great Britain or Ireland," (and I ask what had they to do with this, unless they had an intention, by force, to resist the admission of foreign troops?) "for suspending the Habeas Corpus act, for proclaiming martial law, or for preventing the people from meeting in societies for constitutional information, or any other innovation of a similar nature, that, on any of these emergencies," (mind these expressions, I have no occasion to argue in a court of law, what the powers of the people in this country are) "the general committee shall issue summonses to the delegates of each division, and also to the secretaries of the different societies affiliated and corresponding with this society, forthwith"—to do what, to call a general convention of the societies? No; but—"to call a general convention of the people, to be held at such place and in such manner as shall be specified in the summons, for the purpose of taking such measures into their consideration." What is a general convention of the people but persons taking upon themselves to represent the people, and to act in the character of the people; and if there is any doubt about this, which I say there cannot be, the doubt is removed at once when you see the emergency; it is for the very purpose of resisting the very first motion made or taken by the representatives of the people in parliament. This is not all, because you will find in a letter, which was written, I think, by Margarot to Hardy, who might have been called to prove the prisoner knew nothing about it, Margarot informs them of this, and desires to know whether they will wait patiently till the Hessians and Hanoverians are upon them; or whether they will stretch forth their necks to the slaughter, and like lambs content themselves with bleating; and Hardy says, in his letter to Norwich, "The time is now come, and if once lost, can never be regained."

Gentlemen, I call your attention now to the proceedings of the 24th of January, 1794.

"Resolved, That the most excellent address of the London Corresponding Society, be inserted in the books of this society."

Nobody has been called to prove to you that any other address was meant; the date of this is the 24th of January, and not only that, but upon the 24th of January, in addition to this, the London Corresponding Society, in their address of the 20th, approved of every thing which the Scotch Convention had done; and in the Constitutional Society, when Mr. Tooke was present, for we have a copy of the resolution in his own handwriting, they resolve that the London Corresponding Society have deserved well of their country; the Constitutional Society approve of it—and here is an end of all further talk about Sinclair. If they approve of the whole conduct of the convention, how is it possible to argue, that Mr. Tooke being present and

drawing this resolution up, was not attached to the transaction^s of the British Convention in Scotland, even if they had gone beyond their instructions. This is not all, for you will find Mr. Thelwall writes to Mr. Adams, by the direction of Mr. Tooke, stating he is to have six guineas, for printing 2500 addresses of the London Corresponding Society. Mr. Adams acceded to it, he paid for the 2500 copies; and has Mr. Tooke ventured to ask Mr. Adams what were those 2500 addresses for, for which he paid the six guineas?

Gentlemen of the Jury, we come now to a transaction which, I say, whether the Convention, which was to be called, was to be a convention of the people or not; it is demonstrable there was to be another convention of the people, to exercise legislative and executive power, and to support that by force, if it was necessary. I begin upon the 27th of March, 1794, and if I don't make that out, there is enough in this case to sustain the indictment; upon the 27th of March, 1794, Mr. Hardy writes a letter to the Constitutional Society, and it is hardly possible not to think it an adviseable measure to call him, when you attend to the context, to assist the gentleman at the bar, and to shew he was not a party to this communication my learned friends read the letter, but they forgot to read the resolutions, they did not like them, because they shew the true construction of the letter—the letter says, “The London Corresponding Society conceives that the moment is arrived when a full and explicit declaration is necessary from all the friends of freedom.”

Gentlemen, give me leave to call your attention to this fact, that in August, 1792, they thought the moment was not arrived, and on the 16th of April, 1793, it was not arrived, but they now say the moment is arrived, “The Society for Constitutional Information is, therefore, required to determine whether or no they will be ready, when called upon, to act in conjunction with this and other societies, to obtain a fair representation of the people.” Would any man like Mr. Tooke, or any man of common sense, have said they would have a convention of the people to supersede the authority of parliament, unless they could resist it and overcome it by force; but, Gentlemen, how was this to be done? They talk of a speedy convention; look at the third resolution:

“That it is the decided opinion of this society, that to secure ourselves from future illegal and scandalous prosecutions, to prevent a repetition of wicked and unjust sentences, and to recal those wise and wholesome laws that have been wrested from us,” (How were they to recal those wise and wholesome laws?) “and of which scarcely a vestige remains, there ought to be immediately a convention of the people, by delegates deputed for that purpose

purpose from the different societies of the friends of freedom, assembled in the various parts of this nation. And we pledge ourselves to the public to pursue every legal method speedily to accomplish so desirable a purpose."

What do they mean by this? Do they mean to apply to parliament, who made every opposition, and who they stated to be incompetent to give them any remedy? No; but they say—"There ought to be immediately a convention of the people," How is that to be brought about? "By delegates deputed from different societies of the friends of freedom in the various parts of this nation." This is no convention of delegates, it is a convention of the people by delegates from different societies, which have expressly disavowed having any thing to do with petitioning parliament on the subject.

Gentlemen, it was found necessary to insist upon the proceedings of the 4th and 11th of April. It was said, the gentleman at the bar was not implicated in them, it has been proved distinctly to you, and I care not whether Mr. Sharpe was or not prosecuted, because I think he knew very little of the subject, but the gentleman at the bar proposed Mr. Sharpe to be one of the committee of correspondence, and that very circumstance which has been stated to prove this convention was not to be a convention of the people, proves directly the contrary; and although the papers are drawn with a degree of art, yet I defy you to say that it is not proved, on the 11th of April, 1794, Mr. Tooke did not give his full consent to that convention, I speak of the paper which has many words scored round by Mr. Tooke; I say the London Corresponding Society, and the Constitutional Society, have distinctly shewn they disapproved of any petition to parliament, by delegates or others, but acceded to the Scotch Convention, which meant to have the executive power, in case the parliament of Great Britain interposed, when the London Corresponding Society talks of having a convention of the people, in their third resolution, by delegates of the friends of freedom, that is a meeting of the friends of liberty for the sake of carrying on force, if necessary, and Mr. Tooke must be taken to have given his consent to it upon the 11th of April, 1794.

Gentlemen, you are told this convention did little or nothing, that it was consistent with the whole plan and scheme of this Constitutional Society to do very little of themselves; but you have had the circular letter of Mr. Hardy, which, I say, distinctly calls upon the people of Great Britain to meet in parliament to supersede the legislature; you have had it proved beyond that, that Mr. Yorke attended, and was honoured with their dele-

gation to the Scotch Convention, and though they did not chuse to give him as much money as he wanted, yet there is not a trace of any disapprobation of his appointment. You have heard of his meeting in the open air, where a petition to parliament was proposed for the purpose of being negatived. You have heard of his letters to Strathaven, to Bristol, and to Sheffield. You have heard of the letters to Newcastle upon Tyne. You have heard of the letter, in which it is desired they will co-operate with other societies, and desiring the approbation of the societies from Leeds, Halifax, Gloucester, and other places, and it is impossible, upon the evidence, to doubt for a moment, there would be convention, but what the nature or quality of it was to be, is for you to judge.

Gentlemen of the Jury, after what you have heard this day of the proceedings at Chalk Farm, I must say they are fairly imputable to the gentleman at the bar. The 14th of April, was the day on which those proceedings took place, and, I think, it would have been a very easy thing to prove he was not connected with them—They state, “That any attempt to violate those yet remaining laws, which were intended for the security of Englishmen against the tyranny of Courts and Ministers, and the corruption of dependant Judges, by vesting in such Judges a legislative or arbitrary power (such as has lately been exercised by the Court of Justiciary in Scotland) ought to be considered as dissolving entirely the social compact between the English nation and their governors; and driving them to an immediate appeal to that incontrovertible maxim of eternal justice, that the safety of the people is the supreme, and in cases of necessity the only law.” I beg your attention particularly to those words, they go on: “That the arming and disciplining in this country, either with or without the consent of parliament, any bands of emigrants and foreigners, driven from their own country for their known attachment to an infamous despotism, is an outrageous attempt to overawe and intimidate the free spirit of Britons; to subjugate them to an army of mercenary cut-throats, whose views and interest must of necessity be in direct opposition to those of the nation, that no pretence whatever ought to induce the people to submit to so unconstitutional a measure.” Then I desire to know, whether the convention, being determined upon between these people, whether they have not a direct reference to the proceedings of the 17th, 20th, and 24th of January? And whether they do not demonstrate, in all fair reasoning, that that body of people, according to the proceedings of the 20th of January, was to meet to supersede all law, and to oppose every act done by the parliament? I should be glad to know if it is possible to give the name and character of a Convention of Delegates
to

to such meetings as were held in 1782 and 1785, composed for what purpose they might be, but whether it ought not to be called a Convention of the People, who were no longer to be governed by the laws of the legislature of the country, but in the room of the laws of their enemies, plunderers, and oppressors, to substitute their own laws?

Gentlemen of the Jury, if this be the character of the convention that was to meet in consequence of the proceedings of the 14th of April, 1794, and I speak under the correction of that wisdom which presides here, it is my business to do my duty as well as I can, I shall be most happy if any errors of mine are found favourable to the gentleman at the bar, but, I say, if this be the character of the convention, which was to meet in consequence of the proceedings of the 14th of April, 1794; if from the whole tenor and purport of the evidence, which has been given, it be abundantly clear, as I conceive it to be; and I say again, I shall be happy if I am found wrong in my conception, either of law or fact, if the whole tenor of these proceedings be to bring about that National Convention and conspiracy against the King's person, which has been recommended in every step from the 6th of August, 1792, down to the moment I am now speaking, it will not be enough for the gentleman at the bar to tell you he thought this imprudent, if he assented to the measure, though the measure was unequal to the purpose which the indictment charges, it signifies nothing, because he thought the time was not approached, and the purpose could not then be effected; I say, beyond that, you are bound to find this gentleman guilty, if he is guilty of any one overt act charged in this indictment, if you negative what is stated about the convention, if you negative any other overt acts, yet if you find one overt act supported, which amounts to a manifestation of that intention, which the statute of Edward III. requires to be manifested by open deed, the case is then made out to you against the gentleman.

Gentlemen, I have to apologize to you for having taken up so much of your time, but I will beg your attention to what passed at Sheffield, I will not go through it, because I find myself exhausted, and I see you are—I conceive the case to be this, that if it shall have happened, that the reasons for which arms were provided at Sheffield, cannot possibly apply to the fact of sending arms up to London, though there be no direct evidence as to the gentleman at the bar, as to those arms, I beg, consistent with my duty, to submit to you, whether all that has been stated did not, in its necessary consequences, lead to that provision of arms hat actually does exist in this case, I say no more of it.

Gentlemen,

Gentlemen, I say further than that in my view of this case, so far as my best consideration enables me to judge, whether I am right or wrong you will be advised; it is not necessary that any thing like a hostile weapon should have been prepared, if the purpose and intention was to act by force, and to bring about a National Convention to act by force.

Gentlemen, having stated thus much, and submitting to you that I have made out my case, I have only to say, that having discharged my duty to the utmost of my strength and power, I do humbly implore the gentleman at the bar may have the full benefit of any error or false conception in point of law; I do most humbly beg it, as I ought to be counsel for those whom I prosecute, as well as counsel against them. If I have mistaken the result of the facts, as I think I have not, I am sure God Almighty will direct you to a right verdict, and whatever your opinion is, may he grant it may have a tendency to secure the peace and happiness of this country.

CHARGE

C H A R G E
OF THE
LORD PRESIDENT
TO THE
J U R Y.

Gentlemen of the Jury,

THE prisoner at the bar, John Horne Tooke, stands indicted for that he with Thomas Hardy, John Augustus Bonney, Stewart Kyd, Jeremiah Joyce, Thomas Wardle, Thomas Holcroft, John Richter, Matthew Moore, John Thelwall, Richard Hodgion, and John Baxter, compassed and imagined the death of the King. The language of the charge is, that they did conspire, compass, imagine, and intend to stir up, move, and excite insurrection, rebellion, and war, against our said Lord the King, within the kingdom of Great Britain, and to subvert and alter the legislature, rule, and government, now duly and happily established within this kingdom of Great Britain, and to depose our said Lord the King from the royal state, title, power, and government of this kingdom, and to bring and put our said Lord the King to death.

And to fulfil, perfect, and bring to effect their most evil and wicked treason, and treasonable compassing and imaginations aforesaid, they committed the several overt acts charged in this indictment.

The first overt act charges, that they maliciously and traitorously did meet, conspire, consult, and agree among themselves, and together with divers other false traitors, whose names are to the said Jurors unknown, to cause and procure a convention and meeting of divers subjects of our said Lord the King, to be assembled and held within this kingdom, with intent and in order that the persons to be assembled at such convention and meeting should and might wickedly and traitorously, without and in defiance of the authority, and against the will of the parliament of this kingdom, subvert and alter, and cause to be subverted and altered, the legislature, rule, and government, now duly and happily established in this kingdom, and depose, and cause to be deposed, our said Lord the King, from the royal state, title, power, and government thereof.

The second overt act charges, that they did maliciously and traitorously cause to be composed and written, divers books, pamphlets, letters, instructions, resolutions, orders, declarations, addresses,

addressees, and writings, and did then and there maliciously and traitorously publish, and did then and there maliciously and traitorously cause to be published, divers other books, pamphlets, letters, instructions, resolutions, orders, declarations, addressees and writings, so respectively composed, written, published and caused to be composed, written, and published, purporting and containing therein, among other things, incitements, encouragements, and exhortations, to move, induce, and persuade the subjects of our said Lord the King to choose, depute, and send, and cause to be chosen, deputed, and sent, persons as delegates to compose and constitute such convention and meeting as aforesaid, to be so holden as aforesaid, for the traitorous purposes aforesaid.

The third overt act charges, that they did meet, consult, and deliberate among themselves, and together with divers other false traitors, whose names are to the said jurors unknown, of and concerning the calling and assembling such convention and meeting as aforesaid, for the traitorous purposes aforesaid, and how, when, and where such convention and meeting should be assembled and held, and by what means the subjects of our said Lord the King should and might be induced and moved to send persons as delegates to compose and constitute the same.

The fourth overt act charges, that they did meet, confer, and co-operate among themselves, and together with divers other false traitors, whose names are to the said jurors unknown, for and towards the calling and assembling such convention and meeting as aforesaid, for the traitorous purposes aforesaid.

The fifth overt act is, that they did cause and procure to be made and provided, and did then and there maliciously and traitorously consent and agree to the making and providing of divers arms and offensive weapons; (to wit) guns, muskets, pikes, and axes, for the purpose of arming divers subjects of our said Lord the King, in order, and to the intent that the same subjects should and might unlawfully, forcibly, and traitorously oppose and withstand our said Lord the King in the due and lawful exercise of his royal power and authority in the execution of the laws and statutes of this realm, and should and might unlawfully, forcibly, and traitorously subvert and alter, and aid and assist in subverting and altering, without and in defiance of the authority and against the will of the parliament of this kingdom, the legislature, rule, and government now duly and happily established in this kingdom, and depose, and aid and assist in deposing, our said Lord the King, from the royal state, title, power, and government of this kingdom.

The sixth overt act is, that they did meet, conspire, consult, and agree among themselves, and with divers other false traitors,
whose

whose names to the said Jurors are unknown, to raise, levy, and make insurrection, rebellion, and war, within this kingdom of Great Britain, against our said Lord the King.

The seventh overt act is, they did with force and arms, maliciously and traitorously meet, conspire, consult, and agree among themselves, and together with divers other false traitors, whose names are to the said Jurors unknown, unlawfully, wickedly, and traitorously to subvert and alter, and cause to be subverted and altered, the legislature, rule, and government, now duly and happily established in this kingdom, and to depose and cause to be deposed, our said Lord the King from the royal state, title, power, and government of this kingdom.

The eighth overt act charges, that more readily and effectually to depose the King, they did prepare and compose, and did then and there maliciously and traitorously cause and procure to be prepared and composed, divers books, pamphlets, letters, declarations, instructions, resolutions, orders, addresses, and writings, and did then and there maliciously, and traitorously publish and disperse, and did then and there maliciously and traitorously cause and procure to be published and dispersed, divers other books, pamphlets, letters, declarations, instructions, resolutions, orders, addresses, and writings, the said several books, pamphlets, letters, declarations, instructions, resolutions, orders, addresses, and writings, so respectively prepared, composed, published, dispersed, and caused to be prepared, composed, published, and dispersed, as last aforesaid, purporting and containing therein (amongst other things) incitements, encouragements, and exhortations, to move, induce, and persuade the subjects of our said Lord the King, to aid and assist in carrying into effect such traitorous subversion, alteration, and deposition as last aforesaid, and also containing therein, amongst other things, information, instructions, and directions to the subjects of our said Lord the King, how when, and upon what occasions the traitorous purposes last aforesaid should and might be carried into effect.

The ninth overt act is, that they did procure and provide, and did then and there maliciously and traitorously cause and procure to be provided, and did then and there maliciously and traitorously consent and agree to the procuring and providing arms and offensive weapons (to wit) guns, musquets, pikes, and axes, therewith to levy and wage war, insurrection, and rebellion against our said Lord the King within this kingdom, against the duty of the allegiance of them the said Thomas Hardy, John Horne Tooke, John Augustus Bonney, Stewart Kyd, Jeremiah Joyce, Thomas Wardle, Thomas Holcroft, John Richter, Matthew Moore, John Thelwall, Richard Hodgson, and John Baxter, against the peace of our said Lord the now

King, his crown and dignity, and against the form of the statute in that case made and provided.

Gentlemen, a shorter abstract of this indictment is, that the first four overt acts, charged in the indictment, respect calling a convention for the purpose of subverting the government. The fifth, seventh, and eighth overt acts, respect a conspiracy to subvert the government, without taking notice of assembling a convention. The sixth and ninth are respecting a conspiracy to levy war.

Gentlemen, I perceive it is expected of me that I should undergo the fatigue and labour of summing up the whole of this case that has been laid before you; I, therefore, think it fit and provident, with the assistance of the officer of the court, to execute it as well as I am able. Having stated the particulars of the evidence, I shall then state, in as few words as I can, what I conceive to be the points for your consideration, how they bear upon the parts of the indictment, and it will be ultimately a question for your consideration.

Gentlemen, they began on the part of the prosecution with calling Maclean, the messenger, who told you, on the 12th of May, he went with a warrant from the Secretary of State, to the house of Daniel Adams, that he there seized certain books and papers, and the book, then produced, was one of those he seized.

Mr. Woodfall was then called, in order to prove that to a particular paper shewn him, there was the hand-writing of Mr. Tooke, who now stands at the bar; and, he says, he recollects seeing him write, and that a paper, in the hand-writing of Mr. Tooke, passed through his hands upon more than one occasion. Upon his cross-examination, he said, it was full seventeen years ago, but upon being particularly pressed, he said, it might be nineteen years ago, that he saw Mr. Tooke write; but, he says, there was a popular advertisement to be inserted in some of the newspapers, and that Mr. Tooke wrote upon it, for the "Morning Chronicle," and "London Packet." He says that to the best of his judgment and recollection, he believes the paper shewn him to be the prisoner's hand-writing; and upon the credit of that testimony rests the proof of the hand-writing of Mr. Horne Tooke to all the papers produced in the course of this enquiry, which are supposed to have been written in part, or in the whole, by Mr. Tooke. The paper is dated the 28th of March, 1794. There are minutes of the 28th of March, 1794, in Mr. Horne Tooke's writing.

March 28th, 1794; present, Mr. Tooke.

"Read a letter from the London Corresponding Society.

"Resolved, That the same be entered on the books of this Society.

"CITIZEN,

" CITIZEN,

" March 27, 1794.

" I am directed by the London Corresponding Society to transmit the following resolutions to the Society for Constitutional Information, and to request the sentiments of that Society respecting the important measures which the present juncture of affairs seem to require.

" The London Corresponding Society conceives that the moment is arrived, when a full and explicit declaration is necessary from all the friends of freedom—whether the late illegal and unheard-of prosecutions and sentences shall determine us to abandon our cause, or shall excite us to pursue a radical reform, with an ardour proportioned to the magnitude of the object, and with a zeal as distinguished on our parts as the treachery of others in the same glorious cause is notorious. The Society for Constitutional Information, is, therefore, required to determine, whether or no they will be ready, when called upon, to act in conjunction with this and other societies, to obtain a fair representation of the people—Whether they concur with us in seeing the necessity of a speedy convention, for the purpose of obtaining, in a constitutional and legal method, a redress of those grievances under which we at present labour, and which can only be effectually removed by a full and fair representation of the people of Great Britain. The London Corresponding Society cannot but remind their friends, that the present crisis demands all the prudence, unanimity, and vigour, that ever may or can be exerted by Men and Britons; nor do they doubt but that manly firmness and consistency will finally, and, they believe shortly, terminate in the full accomplishment of all their wishes.

" I am, Fellow Citizen,

(" In my humble measure)

" A friend to the Rights of Man,

(Signed)

" T. HARDY, Secretary."

" Resolved unanimously, 1st, That dear as Justice and Liberty are to Britons, yet the value of them is comparatively small without a dependence on their permanency; and there can be no security for the continuance of any right but in equal laws.

" 2d. That equal laws can never be expected but by a full and fair representation of the people; to obtain which, in the way pointed out by the constitution, has been and is the sole object of this society. For this we are ready to hazard every thing, and never, but with our lives, will we relinquish an object which involves the happiness or even the political existence of ourselves and posterity.

F f 2

" 3d. That

" 3d. That it is the decided opinion of this Society, that to secure ourselves from future illegal and scandalous prosecutions, to prevent a repetition of wicked and unjust sentences, and to recal those wise and wholesome laws that have been wrested from us, and of which scarcely a vestige remains, there ought to be immediately a Convention of the People, by delegates deputed for that purpose from the different societies of the Friends of Freedom assembled in various parts of this nation.—And we pledge ourselves to the public to pursue every legal method speedily to accomplish so desirable a purpose.

" P. S. I have to inform you, that a General Meeting of the society will be holden on Monday, the 14th of April, the place to be announced by public advertisement.

" Resolved, That it is fit and proper, and the duty of this society, to send an answer to the London Corresponding Society.

" Ordered, That the Secretary acquaint the London Corresponding Society, that we have received their communication, and heartily concur with them in the objects they have in view; and that, for the purpose of a more speedy and effectual co-operation, we invite them to send to this society, next Friday evening, a delegation of some of their members."

Gentlemen, Mr. Woodfall was then examined to the hand-writing in a book, which is entitled, the Constitutional Club, and proved it was the hand-writing of Mr. Horne Tooke, but I don't perceive that any use has been made of it in the course of the case.

Gentlemen, the next witness was Daniel Adams, and he says he has been secretary to the Constitutional Society for ten years; that the book which was produced was the book of the society; he says, Mr. H. Tooke was a member, that the usage was to put down as present at the different meetings the names of persons present, or who might in fact not have been present—he explained it thus, he says, The names were put down as they came in, but sometimes they went away soon after; he says, they frequently dined together, that it was not considered as a society till seven o'clock in the evening, that sometimes they went away when their names were put down; he says, the first business done was to enter the names on the minutes, and the minutes of the former meeting were read over at the commencement of the new meeting; he said, he did not know whether there was any corrections in the minutes of the society in the hand-writing of Mr. Tooke; that during the meeting the books were open, that Mr. Tooke was frequently there, that sometimes he did not stay so long as he did at others, living out of town. He is asked as to the minutes of
different

different resolutions being handed to him by different people, but he could not speak to that. As to one of the minutes produced, he said, it was before the time he was secretary: he says, that the person in the chair might not remain all the evening in the chair; he said, he never put down the name of any person as being in the chair, who had not taken the chair, but it might happen that they might not stay the whole time; he says, the entries are true so far as he knows, as to the names of the persons who were set down as present at the different meetings; that they were generally put down upon a piece of paper, and the resolutions were often put upon slips of paper. He says, there was not only the Society for Constitutional Information, but also a Constitutional Club, which dined together; that the dinner was at a quarter past four, that not only the members but other persons also dined there. He says, that the prisoner was a member before he became the secretary, and he says, that before he was secretary, he had a place in a public office. He says, there was some account of expenditure kept by the secretary, which was seized at the time the other papers were seized; that the members subscribed a guinea a year; that the society was never very rich; that the amount of the collections was 60*l.* and that 50*l.* might be the general expence, but that he himself was generally in advance; then he says, he recollects the meeting of the 25th October, 1793, and that the prisoner was there; he recollects an extraordinary meeting, convened to consider of sending delegates to the British Convention in Scotland, but that Mr. Tooke was not there: he said, he was directed as secretary, to send summonses to the members of that society, but that he sent none to Mr. Tooke, because two of the members undertook to go down to him, and inform him of the intended meeting to be held—the names of those were Sinclair and Williams: he says, the meeting was held upon the 28th, and that the prisoner was not there; he says he had reason to know that Mr. H. Tooke disapproved entirely of sending delegates to the Scotch convention, that he understood so by the conversation of almost all the members that the prisoner very much objected to it; he said, there was even a report among them that he was bribed by the government. He is then asked about one Mr. Yorke, and he says, he thinks he was a member of the Constitutional Society, that he did not go to the convention in Scotland, because there was hardly any money for Sinclair, and none for him; he said, that he sent Sinclair word he had better come home, as his going was very generally disapproved of: he says, he does not know that Mr. H. Tooke ever subscribed to the expence of sending a delegate; that he wrote to Mr. Sinclair more than one discouraging letter upon the
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the subject of his stay at Edinburgh. He says, that the society adjourned from the 8th November to the 6th December, and from thence to the 10th January; that he recollects, on the 21st January, 1793, there was a meeting of the society, and that Yorke's name was down as being present that evening, and he believes he was there; he says, he recollects he objected to Yorke's being present, understanding him not to be a member of the society: he says, that Yorke pressed for another meeting, there being an intention to adjourn the meeting—at that meeting there was an address resolved to be drawn up, but that it never was drawn up. He says, that Mr. H. Tooke lived at some distance from London, that he has a small family, and went home early; he says, he has sometimes desired Mr. H. Tooke to stay, to prevent the society doing some act he did not like; he says, that Mr. Tooke thought the society should lay open their oars, and adjourn to as distant a day as they could: he says, that Mr. Horne Tooke always professed his intention never to consent to any measure which he would not sign. He says, that Major Cartwright was called the father and founder of the society. He says, they were not acquainted with the books of other societies, and that it was not much a custom of the members of their own society to read over their own proceedings, and that, upon an average, not more than ten used to meet. He is asked as to arms—but he says, there was none, or any talk of arms; he says, all the members were not of the same way of thinking. He is asked as to the Secret Committee—he says there was none, but every thing was clear, open, and public: he says, there was frequent Committees of Correspondence ordered, but not above one or two letters answered to his knowledge. He is asked as to the printing of a number of copies of papers, containing the resolutions of the societies, and he says, there never was a quarter part of 100,000 copies printed—he does not know of more than 5,000 printed, but they never exceeded 10,000; sometimes there was some printed, and sometimes not, but he knows that 100,000 were never printed. He says he does not know of any correspondence as to France; he says, they were often reproached with not answering letters. He says, that other members often went home with Mr. Horne Tooke, and he mentioned Mr. Sharpe in particular. He says, that first they used to distribute pamphlets gratis, but that they have not done so for these three or four last years. He says, he recollects having mentioned to Mr. Horne Tooke his apprehension he should be dismissed from his place; and he was then asked, whether he recollects Mr. Horne Tooke saying, the society would do him no good, but that circumstance he does not recollect. He says, the Privy Council had the books

books of this society before them. That they could not afford to print much, and he thinks they never meant to print any of those copies of the resolutions come to on the 14th November, 1792, although 100,000 copies were ordered to be distributed among their correspondents in Ireland, and other places; but he says, they had no correspondence in Ireland at that time as he knew of. He says, that Mr. Horne Tooke very often laughed at the insignificance of that society; that he heard Mr. Tooke speak of being for every man having a right to vote; (and I rather suppose Mr. Tooke expected the answer would have been against that idea) the witness says, he thinks he has heard Mr. Tooke express such sentiments. He says, he attended at the anniversary of the French revolution, in 1790, that there were some resolutions put which he thought were strong, and there were some resolutions put which Mr. Horne Tooke prevented passing. He is asked, whether he ever observed or thought there was any intention in Mr. Horne Tooke, or any of the society to depose or kill the King—he says, no; they were neither bold enough or strong enough to do any such thing: he says, the greater part were for a parliamentary reform, but perhaps, all of them in different ways; he says, he believes, that all of them expressed what they meant, and that it was not a pretext which they used; that they were sincere in wishing for a parliamentary reform in the House of Commons: he says, letters were sent to them from Scotland, but he does not recollect what answers they sent: he says, he does not know of any papers or books being kept back from government. He says, upon the 4th April, 1792, there was a Committee of Correspondence appointed, and he remembers upon that occasion, Mr. H. Tooke, who, I understand him to say was present, said his health would not permit him to be one of that committee, nor did he understand that Mr. Tooke ever met that committee, nor did he know the committee ever met. He says, upon the 11th April, there was a Committee of Co-operation appointed, to be formed of the members of a Committee of Correspondence, but he does not know that Mr. Horne Tooke ever met it, and he did not understand he was a member of that committee. He says, he remembers there was notice given by Mr. H. Tooke, that he should move for two books to be prepared, in which the names of particular persons were to be entered, and his laughing upon the subject; he says, the motion was never made or the books procured. He says, Mr. H. Tooke said, upon one occasion, if there was to be a meeting of the Friends of Liberty upon Wimbledon Common, for any good purpose, he should be found there, but would not be found anywhere else. I remember Mr. Tooke observing upon that, and there

there is something against him, and something for him in that observation—that whatever his zeal might be for the Friends of Freedom, he would not go far to give them his assistance. The witness says, there was a Revolution society, which met in November, 1793, and there was a toast given by Mr. H. Tooke upon that occasion, in these words, “May the people of this country never forget or forsake the present family on the throne, until it shall appear by their conduct that they have forgotten or forsaken the principles that put them on it.” He says, that Mr. Tooke established the dinner club, under the idea of having better attendance upon the society: he says, the great end they had in view was a parliamentary reform. He is asked as to candidates, for being admitted into the society, and whether there was any great number black-balled—he says, in ten years he does not know of more than ten persons who were black-balled. He says, with reference to a motion made in this society in 1793, that Barrere, St. Andre, and Roland should be made honorary members of that society, that no notice was ever sent to them of their election. And he says, he does not recollect an order for the entry of the speeches made by those persons, as contained in the *Moniteur*, and that, in point of fact, they were not entered; he says, he never had the newspapers in which they were contained, nor does he know they were ever circulated in the society. He says, after the war, they had no correspondence with France: and speaking of Sinclair’s being in ill health, he is asked as to a letter from Margarot to Hardy, stating, that Sinclair had been abandoned by the Society for Constitutional Information, and he says, he recollects seeing such a letter. He was asked as to Mr. Horne Tooke’s health, and whether three years ago he did not quit London on account of ill health, and went to reside at Wimbledon, and he says, he believes he did. Upon further examination he says, upon the 11th April, 1794, he finds Mr. Joyce was in the chair.

Mr. Joyce made the report of the meeting of the delegates of the London Corresponding Society, for the purpose of this society co-operating with the London Corresponding Society; and that they had come to the following resolutions:

“1st. Resolved, That it appears to this committee very desirable that a general meeting or convention of the Friends of Liberty should be called, for the purpose of taking into consideration the proper methods of obtaining a full and fair representation of the people.

“2d. Resolved, That it is recommended to the Society for Constitutional Information, and the London Corresponding Society, to institute a regular and pressing correspondence with all those parts of the country where such measures may be likely

to be promoted, not only to instigate the societies already formed, but to endeavour also to produce such other associations as may further the general object.

“ Resolved, That it appears to this committee, that the general object will be much promoted, if a standing Committee of Co-operation between the two societies were established, for the purpose of holding personal communication with such members of similar societies, in other parts of the country, as may occasionally be in London, and who may be authorized by their respective societies to act with such committees.

“ Read the following letter from the Secretary to the London Corresponding Society.

“ CITIZEN,

“ April 10, 1794.

“ I am ordered by the Committee of Delegates of the London Corresponding Society, to inform the Society for Constitutional Information, that they approve of the resolutions of the Committee of Conference.

“ Therefore the London Corresponding Society have chosen Matthew Moore, John Thelwall, Richard Baxter, Richard Hodgson, and John Lovet, to put in practice immediately the second and third resolutions of that committee.

(Signed)

“ T. HARDY, secretary.

“ D. Adams, Secretary to the Society
for Constitutional Information.”

“ Resolved, That the report of the Committee of Delegates from the London Corresponding Society, and of this society, be entered on the books of this society.

“ 1st. Resolved, That it appears to this society very desirable that a general meeting of the Friends of Liberty should be called, for the purpose of taking into consideration the proper methods of obtaining a full and fair representation of the people.

“ 2d. Resolved, That it appears to this society that the general object will be much promoted if a standing Committee of Co-operation were established, for the purpose of holding personal communication with such members of similar societies in other parts of the country, as may occasionally be in London, and who may be authorized by their respective societies to act with such committees.

“ 3d. Resolved, That the Committee of Correspondence already appointed by this society be the Committee for Co-operation and Communication with the committees of other societies.

“ Ordered, That the secretary be desired to send a letter to the London Corresponding Society, acquainting them with the members of this society appointed to confer with them.

“ Resolved, that Mr. Joyce be requested to accept of the office of secretary to the Committee of Correspondence.

“ Mr. Joyce being present accepted of the said office.”

Gentlemen, the witness said, he copied the resolutions from loose papers, and that was distinctly proved: he was shewn a rough draft of some resolutions, and he said it was something like Mr. H. Tooke's hand-writing, and I understand it was proved afterwards to be his hand-writing: it has just been read, and therefore it need not be read again. It appears in those resolutions that the word “society” is encircled, as being to be substituted for the word “committee.”

Gentlemen, the use that is to be made of this paper is, to bring home to Mr. Horne Tooke the knowledge of the transactions of that committee originally, with respect to sending delegates, and afterwards appointing Committees of Co-operation and Correspondence, at which, it appears, he himself was not present; and yet, though he himself was not present, if he drew up the resolutions, or was privy to those resolutions, to be sure that is evidence to shew he was privy, and evidence to shew he was concerned in those resolutions, though he was not present when those resolutions were come to;—that is the nature of that evidence.

Gentlemen, the next thing is a paper, signed also by Mr. H. Tooke, purporting to be a minute of a resolution, passed in the Constitutional Society, upon the 24th January, 1794, it is dated,

“ Society for Constitutional Information, January the 24th, 1794.

“ A motion was made, That it be resolved, that the most excellent address of the London Corresponding Society be inserted in the books of this society, and that the King's speech to his Parliament be inserted under it, in order that they may both be always ready for the perpetual reference of the members of this society during the continuance of the present unfortunate war; and that (in *perpetuam rei memoriam*) they may be printed together in one sheet at the happy conclusion of it; which happy conclusion of it, according to the present prosperous appearances, we hope and believe not to be many months distant.

“ An amendment was moved, That between the words (his) and (parliament) the word (honourable) should be inserted.

“ Honourable was withdrawn.

“ Another amendment was then moved, That between the words (his) and (parliament) the word (faithful) should be inserted.

“ Faithful was withdrawn.

“ And it was unanimously resolved, That his, and his only, is the proper epithet for parliament upon the present occasion.

“ The

"The resolution then passed unanimously in its original form.

"Resolved, That the London Corresponding Society have deserved well of their country.

"Resolved, That the secretary be ordered to cause forty thousand copies of the address, the speech, and these resolutions, to be printed on one sheet, and properly distributed in England, Scotland, and Ireland."

This minute is proved to be partly in the hand-writing of Mr. H. Tooke, but whose hand-writing the other was the witness could not tell.

Gentlemen, the next piece of evidence they went to was, examining this witness (Mr. Adams) to the different entries that were to be found in the books of the Constitutional Society, in order to satisfy you the transactions really passed as they were entered in those books, to the best of the knowledge of this man, who was the secretary of this society; always, however, to be taken with the evidence he before gave, that though the names of particular persons appear to have been set against a particular meeting, it might happen that the name of a person might be there, who did not remain at the time a particular resolution passed, because, he says, it often happened a person whose name was set down as having dined there, went away before the resolution passed; and for that reason they go through the book, and to the best of his knowledge, he tells you, the names were fairly set down, and that the persons were present in some part of the evening when those meetings were held, and those resolutions were passed.

Gentlemen, this goes quite through the whole of the transactions of the period from 1791 to 1794, when Mr. Adams's knowledge of the transaction ceased, by his being apprehended. I am afraid it may be necessary for me to go through his evidence, because there was occasionally interspersed some circumstances of evidence collateral to this general account, and there possibly may be some circumstances that may be thought material on one side or the other:—the first entry was of the 23d March, 1791, when thanks were given to Thomas Paine, for his copy of the Rights of Man, and where they resolved, that all their future proceedings should be sent to all the Corresponding Constitutional Societies in England, Scotland, and France. On the 1st April, 1791, Mr. H. Tooke appears to be present, when there was an order that their resolutions should be republished in the country newspapers; but the witness says, he did not know whether they were published or not: he says, upon the 9th March, Mr. Joel Barlow was admitted an hono-

rary member, on the motion of Mr. Horne Tooke, and seconded by Mr. Sharpe.

On the 10th March, there is a resolution, stating the hearty concurrence of that society with the society at Manchester, and the rough draft appears to be in Mr. H. Tooke's hand-writing.

On the 23d March, 1792, there was a resolution, in the hand-writing of Mr. Tooke, approving of the proceedings of the Sheffield Society. Mr. Adams said he did not know whose hand-writing it was, but Mr. Woodfall said it was Mr. Tooke's hand-writing.

On the 19th April, 1792, there was a communication with a society held at the Three Tuns, in the Borough of Southwark;—he says there were thanks voted, and a resolution to publish the vote upon the 27th April, 1792, when Mr. H. Tooke was present and there was a letter written: On the 4th May, Mr. H. Tooke was present, when there was an answer to that letter, from the Revolution Society at Norwich, and when Mr. Paine was made an honorary member; and there is an entry of their approbation of Mr. Paine's writings. The witness was asked as to that letter, but he did not undertake to know the hand-writing in that letter. He says, that Mr. Martin was proposed to be an honorary member by Mr. Tooke, and seconded by Mr. Frost: he said, that a letter was received from Mr. Martin, afterwards, thanking them for the favour done him, but he would not undertake to say by whom it was sent. He says, on the 11th May, 1792, Mr. H. Tooke being present, an address was voted to the Jacobin Club at Paris; and he says, there was another resolution, that the said address should be read a second time, at the next meeting, for publication, and he says, that on the 18th May, 1792, the address might have been produced, but it does not appear upon the book. He says, a letter was received from Mr. Paine, stating, he was about to publish a cheap edition of his work; that there was a committee appointed to enquire into the nature of the intended prosecution against him, and 3,000 copies of Mr. Paine's letter was to be published, and to be distributed, and that it was ordered to be published in the newspapers. Upon the 25th May, Mr. Horne Tooke being present, 6,000 more copies were ordered to be printed and distributed. On the 1st June, there was a report from the secretary, that there had been copies of some books sent to the different societies according to the order made on the former day, and he says, he has no doubt they were sent. There were letters of the 12th May, ordered to be published by this society in such newspapers as usually receive their advertisements. He says, on the 15th June,

June, there was a resolution, that 12,000 copies of Mr. Paine's letter to Mr. Dundas were ordered to be printed, and that a committee be appointed to direct the same—that appears to be in the hand-writing of Mr. Tooke. On the 22d June, Mr. Tooke was present, and there was a subscription entered into for supporting Mr. Paine. On the 29th June, the committee before nominated to consider of the plan of distribution of those 12,000 copies, reported a plan of distribution which was adopted, but whether it was printed or not, does not appear. Upon the 13th July, six persons of the Corresponding Society were elected associated members of the Constitutional Society. Upon the 5th October, Mr. Horne Tooke was present, and nothing material was done. On the 12th October, 1792, Mr. Horne Tooke was present, and a letter, written by Joel Barlow, from France, was read, and Mr. Joel Barlow wrote to that society, expressing his satisfaction at being made an honorary member; there was, at the same time, an address from the London Corresponding Society to the Constitutional Society read. Upon the 14th October there was an answer of Joel Barlow's read, and ordered to be published; and Mr. Horne Tooke was one of the committee to confer with the London Corresponding Society upon the address. On the 26th October, 1792, an address was read, Mr. Tooke being present, and separate addresses were recommended by the committee, as the purpose would be better answered by separate addresses than by a joint address. Upon the 9th November, Mr. Tooke being present, an address from the Constitutional Society to the convention of France was read and approved, and Mr. Barlow and Mr. Frost were deputed to present it to the National Convention, and they were thanked for accepting that appointment. Upon the 14th December, an address was read from Manchester, and ordered to be printed in the newspapers, and 100,000 copies were ordered to be printed and distributed among their correspondents in Great Britain and Ireland. On the 21st December, 1792, a Committee of Correspondence was appointed, Mr. H. Tooke being present. Upon the 4th May, 1792, Mr. H. Tooke proposed Mr. Gerald as a member of the society. On the 18th January, 1793, Mr. H. Tooke being present, St. Andre, a French gentleman, was made an associated member. On the 25th January, Roland and Barrere were also proposed, and made honorary members of that society. On the 1st of February, they came to a resolution to read a circular letter from the Sheffield Society. Upon the 15th February, there was a letter read from Birmingham, Mr. H. Tooke being present, requesting the Constitutional Society to admit twelve persons, as enrolled members of that society,
for

for the purpose of corresponding and receiving instruction. Upon the 15th March, 1793, thanks were voted to Mr. Barlow and Mr. Frost, for having executed their commission at the National Convention, and approving the manner in which they had conducted themselves. Upon the 18th May, 1793, Mr. Sinclair was proposed by Mr. Tooke to be a member of that society. Upon the 12th April, Mr. H. Tooke being present, there was an answer to a letter from Norwich and Birmingham voted. On the 25th October, 1793, a letter was read from Mr. Skirving to the London Corresponding Society. Upon the 6th December, 1793, there was a meeting appointed to consider of the letter of Mr. Sinclair. Upon the 28th March, 1794, Mr. Horne Tooke being present, they came to a resolution to enter upon their minutes a letter from the London Corresponding Society. Upon the 4th April, Mr. H. Tooke being present, certain resolutions passed. On the 9th May, 1794, Mr. H. Tooke being present, 2,000 copies were ordered to be printed of a pamphlet. The witness said, that though there had been an order of the 24th January, for the address of the London Corresponding Society to be entered upon the books of the society, in point of fact it was not entered: and he said he could not take upon himself to say who the individuals were that were spoken of in that resolution. He is asked whether in 1790, Mr. Tooke was not a candidate for Westminster—he says he was: and he is asked whether Mr. Vaughan was a member of this society, and whether Mr. H. Tooke might or not have dined with that part of the society that formed the Dinner Club, without being there at the proceedings in the evening—he says, he will not undertake to say he was present at any part of the meeting.

Having thus gone through the account of the different entries in that book, in order to shew the substance of them, and that they were entries of transactions that really happened, they then began to read the entries at large from the book, and they begin with the entry of the 23d March, 1791:

“Resolved, That the thanks of this society be given to Mr. Thomas Paine, for his most masterly book, entitled, “The Rights of Man,” in which not only the malevolent sophistries of hireling scribblers are detected and exposed to merited ridicule, but many of the most important and beneficial political truths are stated, so irresistibly convincing, as to promise the acceleration of that not very distant period when usurping borough sellers, and profligate borough buyers, shall be deprived of what they impudently dare to call their property—the choice of the representatives of the people.

“The

"The Constitutional Society cannot help expressing their satisfaction that so valuable a publication has proceeded from a member of that society; and they sincerely hope that the people of England will give that attention to the subjects discussed in Mr. Paine's treatise, which their manifest importance so justly deserve.

"Resolved, That the foregoing resolutions, and all future proceedings of this society, be regularly transmitted by the secretary to all our Corresponding Constitutional Societies in England, Scotland, and France.

"Resolved, That the above resolutions be published in the papers."

Gentlemen, they then call Thomas Chapman, in order to identify the work of Thomas Paine, with a view that such parts as were thought to be material, should be read to you in evidence: he is called to you, and he states, he printed part of the Rights of Man for the Author, and they then read from the book some passages which will be read to you.

"Rights of Man, being an answer to Mr. Burke's attack on the French Revolution.

(Page 56.) "A constitution is not a thing in name only, but in fact. It has not an ideal, but a real existence; and wherever it cannot be produced in a visible form, there is none. A constitution is a thing *antecedent* to a government, and a government is only the creature of a constitution. The constitution of a country is not the act of its government, but of the people constituting a government. It is the body of elements, to which you can refer, and quote, article by article; and which contains the principles on which the government shall be established, the manner in which it will be organized, the powers it shall have, the mode of elections, the durations of parliaments, or by what other name such bodies may be called; the powers which the executive part of the government shall have; and, in fine, every thing that relates to the complete organization of a civil government, and the principles on which it shall act, and by which it shall be bound. A constitution, therefore, is, to a government, what the laws made afterwards by that government are to a court of judicature. The court of judicature does not make the laws, neither can it alter them; it only acts in conformity to the laws made: and the government is in like manner governed by the constitution.

"Can then Mr. Burke produce the English Constitution? If he cannot, we may fairly conclude, that though it has been so much talked about, no such thing as a constitution exists, or ever did exist, and consequently that the people have yet a constitution to form.

(P. 59.) "A government on the principles on which constitutional governments arising out of society are established, cannot have the right of altering itself. If it had, it would be arbitrary. It might make itself what it pleased; and wherever such a right is set up, it shews there is no constitution. The act by which the English Parliament empowered itself to sit seven years, shews there is no constitution in England. It might, by the self-same authority, have sat any greater number of years, or for life. The bill which the present Mr. Pitt brought into parliament, some years ago, to reform parliament, was on the same erroneous principle.

"The right of reform is in the nation in its original character, and the constitutional method would be by a general convention elected for the purpose. There is, moreover, a paradox in the idea of vitiated bodies reforming themselves.

(P. 161.) "The two modes of government which prevail in the world, are first, government by election and representation: secondly, government by hereditary succession. The former is generally known by the name of republic; and the latter by that of monarchy and aristocracy.

(P. 165.) "From the Revolutions of America and France, and the symptoms that have appeared in other countries, it is evident that the opinion of the world is changed with respect to systems of government, and that revolutions are not within the compass of political calculations. The progress of time and circumstances, which men assign to the accomplishment of great changes, is too mechanical to measure the force of the mind, and the rapidity of reflections, by which revolutions are generated: All the old governments have received a shock from those that already appear, and which are once more improbable, and are a greater subject of wonder than a general revolution in Europe would be now.

"When we survey the wretched condition of man under the monarchical and hereditary systems of government, dragged from his home by one power, or driven by another, and impoverished more by taxes than by enemies, it becomes evident that those systems are bad, and that a general revolution in the principle and construction of governments is necessary.

"What is government more than the management of affairs of a nation? It is not, and from its nature cannot be, the property of any particular man or family, but of the whole community, at whose expence it is supported; and though by force or contrivance it has been usurped into an inheritance, the usurpation cannot alter the right of things. Sovereignty, as a matter of right, appertains to the nation only, and not to any individual; and a nation has at all times an inherent indefeasible right

right to abolish any form of government it finds inconvenient, and establish such as accords with its interest, disposition, and happiness. The romantic and barbarous distinction of men into Kings and subjects, though it may suit the condition of courtiers, cannot that of citizens; and is exploded by the principle upon which governments are now founded. Every citizen is a member of the sovereignty, and, as such, can acknowledge no personal subjection; and his obedience can only be to the laws.

“ When men think of what government is, they must necessarily suppose it to possess a knowledge of all the objects and matters upon which its authority is to be exercised. In this view of government, the republican system, as established by America and France, operates to embrace the whole of a nation; and the knowledge necessary to the interest of all the parts, is to be found in the centre, which the parts by representation form: But the old governments are of a construction that excludes knowledge as well as happiness; government by monks, who know nothing of the world beyond the walls of a convent, is as consistent as government by Kings.

“ What were formerly called revolutions, were little more than a change of persons, or an alteration of local circumstances. They rose and fell like things of course, and had nothing in their existence or their fate that could influence beyond the spot that produced them. But what we now see in the world, from the revolutions of America and France, is a renovation of the natural order of things, a system of principle as universal as truth and the existence of man, and combining moral and political happiness and national prosperity.

‘ I. *Men are born and always continue free and equal in respect of their rights. Civil distinctions, therefore, can be founded only on public utility.*

‘ II. *The end of all political associations is the preservation of the natural and imprescriptible rights of man; and these rights are liberty, property, security, and resistance of oppression.*

‘ III. *The nation is essentially the source of all sovereignty; nor can any INDIVIDUAL, or ANY BODY OF MEN, be entitled to any authority which is not expressly derived from it.*

(P. 171.) “ As it is not difficult to perceive from the enlightened state of mankind, that hereditary governments are verging to their decline, and that revolutions on the broad basis of national sovereignty, and government by representation, are making their way in Europe, it would be an act of wisdom to anticipate their approach, and produce revolutions by reason and accommodation, rather than commit them to the issue of convulsions.”

Gentlemen, the next thing read, was an entry from the book of the Constitutional Society, upon the 22d of July, 1791. It was mentioned by Mr. Adams in giving his evidence, but it was substantiated afterwards, that Mr. Horne Tooke was not present; it contains an original translation of an address from a society in France, of the 24th of June, 1791.

Gentlemen, some questions were then put to Mr. Chapman, but nothing material arose from them.

Gentlemen, the next witness was John Thompson, who spoke to a paper found at Mr. Tooke's house, at Wimbledon, which is entitled, "An address to the nation;" that paper will be read to you; it has no date, and is not in print; it is proved by Mr. Woodfall to be the hand-writing of Mr. Tooke; there were two parts of it, one copy interlined by Mr. Tooke, and the other part is in a different hand. It is an address and declaration at a select meeting of the Friends of Universal Peace and Liberty; and the material passage upon which, I suppose, they mean to insist on the part of the prosecution, seems to be this: "We assert it is the inherent right of the nation to establish such government as best adds to its happiness." As far as respects the alteration of the French government it may apply; but it does not seem to be any thing very applicable to the present case.

Gentlemen, the next evidence is, a paper found in Mr. Horne Tooke's house, which purports to be a letter from Mr. Cooper, of Manchester, upon the circumstance of printing an abridgement of Mr. Paine's works, which, I think, is not necessary to trouble you with, unless it is particularly desired. There is another letter of the 29th of August, 1791, speaking of receiving a letter from Mr. Horne Tooke, which is also not extremely material to the present enquiry; it speaks of a Mr. Wheeler, a printer, at Manchester, having had some difficulty in printing some of the works which Mr. Cooper wished to be printed.

Gentlemen, the next piece of evidence is a paper seized at Mr. Hardy's, and proved by Mr. Woodfall, to have interlineations, which appear to be in Mr. Horne Tooke's hand-writing, and with four lines at the bottom in his hand-writing, this you will hear read, as it seems to be a paper with some reference to the original institution of the London Corresponding Society.

(Here the Clerk read the paper.)

Gentlemen, the next piece of evidence which was read, was a letter produced by Mr. Maclean, found upon Mr. Adams, secretary to the Society for Constitutional Information, addressed to him from Sheffield, and dated 14th of May, 1792; the import of this letter is to inform the Constitutional Society, that they

they had formed, for four months since, themselves into a society, then very few in number, but that they had increased, and were likely to become numerous.

Gentlemen, you will hear that letter read:

" SIR,

" It is now about four months since this society first formed itself into a regular body, then but very few in number; the enclosed will inform you of their increase, and which is most probable will soon become very numerous, and not only this large and populous town, but the whole neighbourhood for many miles round about, have an attentive eye upon us; most of the towns and villages, indeed, are forming themselves into similar associations, and strictly adhere to the mode of copying after us; you will easily conceive the necessity for the leading members of this body to pay strict attention to good order and regularity, and the need we have of consulting and communicating with those who are sincere friends and able advocates for the same cause; for these reasons we took the liberty of writing to Mr. Horne Tooke, that worthy friend and patriot for the rights of the people, informing him of our earnest desires of entering into a connection with the society of the same denomination with ours in London: his very obliging and affectionate answer favours us with your address; in consequence we have taken the liberty herewith to transmit to you some resolves which were passed at our last meeting by the whole body, and the committee was charged with the dispatch of printing and forwarding them to you accordingly, for the purpose of submitting them to the consideration of your society, to make such use of them as they may think most prudent.

" You will also notice the Belpar address; they applied to us about two months ago for instructions as to our mode of conducting, &c. but had not then formed themselves into any regular association; Belpar is nearly thirty miles from this place, in Derbyshire, and eight or ten miles from Derby.

" If the society for Constitutional Information, in London, should vouchsafe so far to notice us, as to enter into a connection and correspondence with us, it cannot fail of promoting honour and adding strength to our feeble endeavours, and to the common cause, which is the entire motive we have in view.

" I am, Sir,

" With the greatest respect and esteem,

" Your sincere friend,

" Sheffield, (By order of the committee)

" May 14, 1792.

" SAMUEL ASHTON."

" We have taken the liberty of enclosing a parcel for Mr. ———, in answer to a letter from him to this society, re-

questing some information concerning our method of conducting the business we are embarked in, &c. also informing us there are in London a number of mechanics, shopkeepers, &c. forming themselves into a society on the broad basis of the Rights of Man. You will be so obliging as to let the packet remain with you until he calls for it, as by this post I have wrote him thereof.

We have given him our manner of proceeding, from our setting out to this time, and hope it may be of some use; the improvement we are about to adopt is certainly the best for managing large bodies, as in great and populous towns, viz. dividing them into small bodies, or meetings of ten persons each, and these ten to appoint a delegate: ten of these delegates form another meeting, and so on, delegating from one to the other, till at last they are reduced to a proper number for constituting the Committee, or Grand Council.

“ Please to forward the packet to Mr. ———, as soon as convenient.”

Gentlemen, the next evidence which was produced, was found upon Mr. Adams, of the 14th of March, 1792, which is a letter from Mr. Ashton, who is secretary to the Sheffield Society, which letter shall be read.

“ GENTLEMEN,

“ The society, feeling as they do the greivous effects of the present corrupt state defects, and the abuse of our country, the great and heavy oppression which the common mass of the people labour under, as the natural consequence of that corruption; and, at the same time, being sensible, to a degree of certainty, that the public mind and general sentiments of the people are determined to obtain a radical reform of the country, as soon as prudence and discretion will permit, believes it their duty to make use of every prudent means, as far as their abilities can be extended, to obtain so salutary and desirable an object, as a thorough reformation of our country, established upon that system which is consistent with the Rights of Man. For these reasons, with great deference and submission to the members of the society for Constitutional Information, in London, we beg leave to request that they will be pleased to admit the persons of the following names annexed hereto, as members of their society (they being our friends, and members of our society), in order that a close connection may be formed, and a regular communication maintained, between the two bodies; that being thus strengthened, this society may be better enabled to govern itself with more propriety, and to render assistance to their fellow-citizens in this neighbourhood, and in parts more remote; that they, in their turn, may extend useful knowledge still further, from town to village, and from village to town, until the whole nation be sufficiently enlightened, and united in the same cause,
which

which cannot fail of being the case wherever the most excellent works of Mr. Thomas Paine finds residence.

" I am, Gentlemen,

" Your most respectful and sincere Friend,

" (By order of the committee)

" Sheffield,

" SAMUEL ASHTON,

" March 14, 1792.

" Secretary for this Society."

Names of the twelve members of the Society for Constitutional Information, in Sheffield, requested to be entered as members of the society of the same denomination in London:— John Pain, of New Hill, Joseph Gales, Joseph Smith, David Martin, Matthew Dodsworth, James Horsfield, Robert Hudfield, John Harrison, Joseph Lee, Benjamin Day, ———,

Gentlemen, this letter is proved by Mr. Woodfall to have some interlineations in the prisoner's hand-writing, particularly the word "country," instead of "government," in two places; and in one place the words "radical reform of;" so that according to this state of the evidence, a paper, which purports to be a letter from the Sheffield Society, to the Society for Constitutional Information, is found in the possession of that secretary, with alterations in the hand-writing of Mr. Tooke. The observations made upon it, seem to be these, that either Mr. Horne Tooke must have had some intercourse with the persons who wrote that letter; and must have been very much concerned with them, unless it appears Mr. Horne Tooke made the alterations in the letter after it was received; with respect to that there is no evidence offered; and so far the inference remains unanswered. The next piece of evidence they read, was from the book of the Constitutional Society, being an entry of the 16th of March, 1792, when Mr. Horne Tooke appears, by the book, to be in the chair, and when Mr. Joel Barlow was made an honorary member.

" Ordered, That the secretary do inform Joel Barlow, Esq. that he has been elected this day an honorary member of this society.

" That the chairman of the Society for Constitutional Information, established at Manchester, having communicated to this society their resolution of thanks to Thomas Paine, for the publication of his 'Second Part of the Rights of Man, combining principle and practice.'

" Bull's Head Inn, Manchester, 13th March, 1792.

" At a meeting of the Manchester Constitutional Society, held this day, it was unanimously resolved, That the thanks of this society are due to Mr. Thomas Paine, for the publication of his 'Second Part of the Rights of Man, combining principle and practice,' a work of the highest importance to every nation under Heaven, particularly to this, as containing excellent

cellent and practicable plans for an immediate and considerable reduction of the public expenditure ; for the prevention of wars ; for the extension of our manufactures and commerce ; for the education of the young ; for the comfortable support of the aged ; for the better maintainance of the poor of every description ; and finally, for lessening greatly, and without delay, the enormous load of taxes under which this country at present labours.

“ That this society congratulate their country at large on the influence which Mr. Paine’s publications appear to have had in procuring the repeal of some oppressive taxes in the present session of Parliament ; and they hope that this adoption of a small part of Mr. Paine’s ideas will be followed by the most strenuous exertions to accomplish a complete reform in the present inadequate state of the representation of the people ; and that the other great plans of public benefit, which Mr. Paine has so powerfully recommended, will be speedily carried into effect.

(Signed)

“ THOMAS WALKER, President,

“ SAMUEL JACKSON, Secretary.

“ Ordered, That the secretary return to the chairman of the society at Manchester, the thanks of this society, for his communication ; at the same time assuring him, that this society does heartily concur in the above resolution.

“ Resolved, That the above resolutions be published twice in the papers—the Times, Post, Chronicle, World, English Chronicle, and General Evening, and signed, J. H. Tooke, chairman.”

Gentlemen, the next was an entry in Mr. Tooke’s handwriting.

“ Ordered, That the secretary do inform James Mackintosh, Esq. author of *Vindicæ Gallicæ*, that he is elected a member of this society.

“ Ordered, That the secretary do inform Joel Barlow, Esq. author of *Privileged Orders*, that he has been this day admitted an honorary member.

(Signed)

“ JOHN HORNE TOOKE, Chairman.”

Gentlemen, it should be observed, that this seems to be the most correct note that I have met with among the proceedings of these popular societies. The society at Manchester approve of the Second Part of the Rights of Man, and avow their intentions of carrying into practice the principles they approve, and yet they confine their approbation to the specific objects which it might be very reasonable to approve of Mr. Paine’s works for ; and if that resolution had been followed by those other persons who had adopted the principles of Mr. Paine’s work, certainly it would not have been a subject of so much complaint as it is in the present state of things. I think it justice due both to the prisoner and those who passed that resolution, to take notice they were so guarded in separating the good from the bad

bad

bad in that resolution, respecting Mr. Paine's works, as it is expressed.

Gentlemen, the next evidence is, the proceedings of the 23^d of March, 1792, of the Constitutional Society, when Mr. Tooke was present, and there is one resolution which appears to be Mr. Horne Tooke's hand-writing; it is a resolution founded upon that resolution of the Sheffield society.

" This society having received the following and other communications from Sheffield, viz.

" Sheffield,

" Society for Constitutional Information, 14th March, 1792.

" This society, composed chiefly of the manufacturers of Sheffield, began about four months ago, and is already increased to nearly two thousand members, and is daily increasing, exclusive of the adjacent towns and villages, who are forming themselves into similar societies.

" Considering, as we do, that the want of knowledge and information in the general mass of the people has exposed them to numberless impositions and abuses, the exertions of this society are directed to the acquirement of useful knowledge, and to spread the same as far as our endeavours and abilities can extend.

" We declare that we have derived more true knowledge from the two works of Mr. Thomas Paine, intitled, ' Rights of Man,' part the first and second, than from any other author or subject. The practice as well as the principle of government is laid down in those works, in a manner so clear, and irresistibly convincing, that this society do hereby resolve to give their thanks to Mr. Paine for his two said publications, intitled, ' Rights of Man,' parts first and second. Also,

" Resolved unanimously, That the thanks of this society be given to Mr. Thomas Paine, for the affectionate concern he has shewn in his second work in behalf of the poor, the infant, and the aged; who, notwithstanding the opulence which blesses other parts of the community, are, by the grievous weight of taxes, rendered the miserable victims of poverty and wretchedness.

" Resolved unanimously, That this society, disdaining to be considered either of a ministerial or opposition party (names of which we are tired, having been so often deceived by both) do ardently recommend it to all their fellow citizens, into whose hands these resolutions may come, to confer seriously and calmly with each other on the subject alluded to, and to manifest to the world, that the spirit of true liberty is a spirit of order; and that to obtain justice it is consistent that we be just ourselves.

" Resolved unanimously, That these resolutions be printed, and that a copy thereof be transmitted to the society for Constitutional

stitutional Information, in London; requesting their approbation for twelve of our friends to be entered into their society, for the purpose establishing a connection and a regular communication with that, and all other similar societies in the kingdom.

“ By order of the committee,

(Signed) “ DAVID MARTIN, Chairman.”

“ Ordered, that the secretary do return the thanks of this society to the Society for Constitutional Information, established at Sheffield; and that he express to them with what friendship and affection this society embraces them as brothers and fellow labourers in the same cause. That he do assure them of our entire concurrence with their opinion, viz. That the people of this country are not, as Mr. Burke terms them, *swine*, but rational beings, better qualified to separate truth from error than himself, possessing more honesty, and less craft.

“ Resolved, That this society will, on Friday next, March 31st; ballot for the twelve associated members recommended by the Sheffield committee, and approved at this meeting.

(Signed) “ WM. TOOKE HARWOOD, Chairman.”

Gentlemen, the next piece of evidence was, an entry of the proceedings upon the 30th of March, 1792, when Mr. Horne Tooke was present, there is a rough draft of the minutes of certain resolutions transmitted from the secretary of the London Corresponding Society, to the secretary of the Constitutional Society, signed by Thomas Hardy; and Mr. Woodfall states it to be, in fact, the hand writing of Mr. Horne Tooke, which shews that Mr. Tooke must have had a great deal to do with forming those resolutions, and, on the part of the prosecution, that is insisted upon.

“ Ordered, That the secretary do inform the Society for Constitutional Information, at Sheffield, of the election of twelve of their members as associated members of this society.

“ Read a letter, with enclosed resolutions from Thomas Hardy, secretary to the Corresponding Society, London.

“ Ordered, That the secretary do acknowledge the receipt of the said papers.

“ Ordered, That the above resolutions of the said society be published in the papers.”

“ London Corresponding Society.

“ Resolved, That every individual has a right to share in the government of that society of which he is a member, unless incapacitated.

“ Resolved, That nothing but non-age, a privation of reason, or an offence against the general rules of society, can incapacitate him.

“ Resolved, That it is no less the right than the duty of every citizen

citizen to keep a watchful eye on the government of his country, that the laws by being multiplied do not degenerate into oppression; and that those who are entrusted with the government do not substitute private interest for public advantage.

“ Resolved, That the people of Great Britain are not properly represented in parliament.

“ Resolved, That in consequence of a partial, unequal, and inadequate representation, together with the corrupt method in which representatives are elected, oppressive taxes, unjust laws, restrictions of liberty, and wasting the public money, have ensued.

“ Resolved, That the only remedy to those evils is a fair and impartial representation of the people in parliament.

“ Resolved, That a fair and impartial representation can never take place until partial privileges are abolished; and the strong temptations held out to electors affords a presumptive proof that the representatives of this country seldom procure a seat in parliament from the unbought suffrages of a free people.

“ Resolved, That this society do express their abhorrence of tumult and violence; and that, as they aim at reform (not anarchy) reason, firmness, and unanimity be the only arms they employ, or persuade their fellow citizens to exert, against abuse of power.

“ Ordered, That the secretary of this society do communicate the foregoing to the Societies for Constitutional Information, established in London, Manchester, and Sheffield.

“ By order of the committee,

(Signed) “ T. HARDY, Secretary.”

Gentlemen, the next paper that was read, was found upon Mr. Adams, proved to be in Mr. Tooke's hand-writing, purporting to be the draft of a letter from Mr. Adams, to the Sheffield Society, desiring they will furnish each honorary member with the books that accompany that letter. There does not seem to be any thing particular in that.

Gentlemen, the next letter is dated the 20th of April, 1792, in which they thank the Southwark Society, for their declaration, and ordered it to be published—that is material.

“ At a meeting, held at the Secretary's House, Tooke's Court, Chancery Lane, London, Friday, 20th April, 1792.

“ A declaration from a society in Southwark was read, and a motion made, that the same should lie on the table till Friday next, which passed in the negative. A motion was then made, that the said paper be now read a second time, in order for publication, which passed in the affirmative, and that the following resolutions be published.

“Resolved, That the thanks of the Society be given to the Southwark Society, for the following communication, and that it be published in the papers.

“At a meeting at the Three Tuns Tavern, Southwark, April 19th, 1792. Samuel Favel in the chair.

“Resolved, That we do now form ourselves into a society for the diffusion of political knowledge.

“Resolved, That the society be denominated the Friends of the People.

“Resolved, That the following be the declaration of this society.”

Extract from Declaration.

“Considering that ignorance, forgetfulness, or contempt of the rights of men, are the sole causes of public grievances, and the corruption of government, this society, formed for the purpose of investigating and asserting those rights, and of uniting our efforts with others of our fellow citizens for correcting national abuses, and restraining unnecessary and exorbitant taxation, do hereby declare—

“1st, That the great end of civil society is general happiness.

“2dly, That no form of government is good any further than it secures that object.

“3dly, That all civil and political authority is derived from the people.

“4thly, That equal active citizenship is the unalienable right of all men; minors, criminals, and insane persons excepted.

“5thly, That the exercise of that right, in appointing an adequate representative government, is the wisest device of human policy, and the only security of national freedom.”

Further extract from the same paper.

“We call upon our fellow citizens, of all descriptions, to institute similar societies for the same great purpose; and we recommend a general correspondence with each other, and with the Society for Constitutional Information, at London, as the best means of cementing the common union, and of directing with greater energy our united efforts to the same common objects.

“By order of the committee,
(Signed) “A. C. RUSSEL.”

Gentlemen, the observation made upon the part of the prosecution on this paper is, that it is expressed in terms that are extremely exceptionable, and though it is expressed in those terms, this society ordered it to be published; the exceptionable terms are

are in the 4th and 5th resolutions, "That equal, active citizenship is the unalienable right of all men, minors, criminals, and insane persons excepted; and that the exercise of that right, in appointing an adequate representative government, is the wisest device of human policy, and the only security of national freedom." Perhaps it would be more than ought fairly to be inferred from this paper, that those persons did really mean by the representative government, to express a government of the people, independent of the constitutional part of the government in the King and Lords; to be sure it is expressed a little unguarded; and observations of that sort ought not to be published in this manner by any society.

Gentlemen, the next piece of evidence is, the proceedings of the 27th of April, when Mr. Tooke was present, and then a letter was sent to the Society of the Friends of the People, which produced afterwards an answer written by the Society of the Friends of the People, and signed by Lord John Russell; I believe it will be necessary that the letter and the answer should be read to you, because many observations have been made, on the part of the prosecution, and some on the part of the prisoner.

"SIR,

"By the Society for Constitutional Information, I am commanded to express to you the satisfaction that its members feel on the institution of your society.

"That the house of commons itself, which is the very subject to be reformed, should have furnished a part of this strength; may ultimately afford important advantages to the public. But it must not, Sir, be disguised, that, at first, this circumstance will necessarily be accompanied with doubts, with suspicions, with apprehensions. It is not, Sir, the first time that numbers of that house have professed themselves reformers: It is not the first time that they have entered into popular associations. But should they, on this occasion, prove faithfully instrumental in effecting a substantial reform in the representation of the people, and the duration of parliaments, it will be the first time that the nation hath not found itself in an error, when it placed confidence in associated members of parliament, for the recoveries of the constitutional and inestimable rights of the people. The long-lost rights of representation, are rights, Sir, which, in truth, are not to be recovered but by the exertions and unanimity of the people themselves. Impressed with this great truth, it has been an invariable object of this society 'to revive in the minds of the commonalty at large, a knowledge of their lost rights, respecting the election and duration of the representative body;'—and we doubt not that your society will see the wisdom of pursuing a like course. May it taste the delight of diffusing this knowledge; may it reap the honour of calling forth the energies of the nation!

“ When this society, Sir, contemplates that flood of light and truth, which, under a benign Providence, is now sweeping from the earth despotism in all its forms, and infringement of rights in all its degrees, to make way for freedom, justice, peace, and human happiness ; and when it sees your society announce itself to the world as the friends of the people ; it rests assured, that this new institution abundantly partakes of that light, that it embraces that truth, and it will act up to the sacredness of that friendship which it professes, by nobly casting from it, with disdain, all aristocratic reserves, and fairly and honestly contending for the people’s rights in their full extent.

“ Here, Sir, be assured, lies all your strength. You may boast of names, of wealth, of talents, and even of principles ; but without the fellowship of the people, understanding and feeling their immediate interest in the contest, your association, whenever it grapples with that powerful despotism to which it is opposed, and to which a constitutional cloak gives double strength, will most assuredly crumble to dust.

“ Here, Sir, it is with peculiar satisfaction that the Society for Constitutional Information can express its belief, that to its own unequivocal ‘ declaration of rights, without which no Englishman can be a freeman, nor the English nation a free people,’ it owes that confidence, on the part of all true friends to a substantial reform of parliament, which, in all periods of the society’s existence it has invariably experienced.

“ This short declaration, containing no more than four distinct propositions, satisfied the people that the society assumed not the office of reformer without knowing with precision what wanted reform ; nor the character of friend, without manifesting that sincerity which gave proof of its attachment. It left to such reformers, as Mr. Burke, to talk of the people’s liberties, and at the same time to deny or explain away their rights.

“ This society, Sir, trusts that the purity of principle which actuated individual members of parliament, who joined the associations that have been spoken of, will, in no degree, be affected by the observations that have been made upon the insufficiency of those associations. But, convinced that a strong impression still remains upon the minds of the people, that in general persons who have long been accustomed to hold seats in the house of commons under the present abuses in the representation, and whose connections are all aristocratic, must be almost more than men, at once and completely to sacrifice both prejudice and unwarranted power at the altar of freedom ; this society, convinced, I say, Sir, of the existence of this impression, would not suffer its delicacy to stand in the way of its duty on this important occasion ; but determined, with the frankness belonging
to

to sincere affection, to warn its new brethren against a danger to which they might otherwise become exposed through mere inadvertency.

"That the distinguished persons who have adorned the senate, and now adorn your society, may be found equal to the sublime efforts of virtue which their situation now demands; and may on that account receive the blessings of their country and of mankind to the latest posterity, is the sincere, the ardent wish of the Society for Constitutional Information! In whose name I have the honour to subscribe myself, with great regard, &c.

"Resolved, That the said letter be signed by the chairman of this meeting, and sent to the said society at their next general meeting."

Gentlemen, here follows the answer.

"SIR,

"Fully sensible that the Society for Constitutional Information, have made no sacrifice to delicacy in their address to us, we on our part shall affect no disguise.

"Voluntary associations not being armed with public authority, have no force but that of truth, no hope of success but in the strength of reason, and the concurrence of the public.

"We profess not to entertain a wish, 'that the great plan of public benefit which Mr. Paine has so powerfully recommended will speedily be carried into effect,' nor to amuse our fellow citizens with the magnificent promise of obtaining for them 'the rights of the people in their full extent,'—the indefinite language of delusion, which, by opening unbounded prospects of political adventure tends to destroy that public opinion which is the support of all free governments, and to excite a spirit of innovation of which no wisdom can foresee the effects, and no skill direct the course. We view man as he is, the creature of habit, as well as of reason. We think it, therefore, our bounden duty to propose no extreme changes, which, however specious in theory, can never be accomplished without violence to the settled opinions of mankind, nor attempted without endangering some of the most estimable advantages which we confessedly enjoy. We are convinced that the people bear a fixed attachment to the happy form of our government, and the genuine principles of our constitution; these we cherish as objects of just affection, not from any implicit reverence, or habitual superstition, but as institutions best calculated to produce the happiness of man in civil society; and it is because we are convinced that abuses are undermining and corrupting them, that we have associated for the preservation of those principles.

"We

" We wish to reform the constitution; because we wish to preserve it.

" Associations formed in the face of power, in opposition to the interests of our present legislators, evince that individual security, and personal independence, are already established by our laws.

" The immense accumulation of debt, the enormous taxation of seventeen millions of annual revenue, demonstrate that the collective interests of the community have been neglected or betrayed.

" We believe the defective constitution of the assembly, intrusted with the public purse, to be the real source of this evil. With this view we have pledged ourselves to attempt a timely and salutary reform, adhering, in every measure we may take, to the fundamental principles of the constitution. According to these acknowledged principles, the people have a perfect right to possess an organ, by which the public mind may speak in legislation; and to bind their representatives to the interest of the whole community, by a frequent renovation of the trust. These objects accomplished, we believe abuses will find no protection in a genuine representation of the people: that regulations best adapted to the public happiness will be gradually infused into our laws, through the known channels of legislation; and that the agitated minds of men, resuming their confidence in parliament, will subside into a calm expectation of redress, without forgetting the principles of violating the form of the constitution.

" These, as we think, are the views of men detesting anarchy, yet sincere friends of the people. Your letter appears to us to be written with a view to create distrust of our designs, to insinuate doubts of sincerity, and to excite an early suspicion of our principles in the minds of the people. We have not, however, refused, in answer, to disclaim what we condemn, to avow our real objects, from the pursuit of which we will not suffer ourselves to be diverted by any controversy. We must beg leave, at the same time, to decline all future intercourse with a society whose views and objects, as far as we can collect them from the various resolutions and proceedings which have been published, we cannot help regarding as irreconcilable with those real interests on which you profess to inform and enlighten the people.

(Signed)

" JOHN RUSSELL, Chairman,

" Freemason's Tavern,
" Saturday, May 12, 1792."

Gentlemen,

Gentlemen, I wished that letter and answer to be read, because observations have been made upon the effect of them. As to the letter, it appears to me, it was a pert letter, and so considered by the Society of the Friends of the People, and that they returned a peevish answer; and that is really and truly the whole effect of that correspondence. I observe they allude in it to something respecting Mr. Paine's Rights of Man, and that they don't expect to see his great plan carried into execution: I don't see that it is mentioned in the letter of the Society for Constitutional Information. The fact seems to me, as if a sentiment of the kind was expressed from the Manchester Society to the Constitutional Society, and that the Constitutional Society did, (as they very improperly and very incautiously have done) publish a great many of those papers; and it seems, as if the Society of the Friends of the People had taken it from a newspaper, and quarrelled with the Constitutional Society upon that ground, and perhaps, not improperly; and that is the whole that results from those two letters.

Gentlemen, the next paper is a letter from Norwich to the Society for Constitutional Information, signed by John Broughton, communicated to the society, upon which there is some observation—it was found among Mr. Adams's papers, and is as follows:

“ 1st. We are happy to see the success of the Sheffield Society for Constitutional Reform, and approve of the delegations which you and they have made, in order to form a plan of general information; we humbly beg that you would grant to us the same favour; and it is our wish that all the societies of a similar kind in England were only as so many members strongly and indissolubly united in one political body.”

Gentlemen, that expression is worthy of observation, because it is an expression to be found in many of the letters, and seems to be industriously infused in the societies; and the use made of them was, to unite those bodies of men into one body, for the purpose of effecting, by the strength of that union, what otherways was not to be produced;—whether by force, or to make a general impression upon the public, that idea seems to be very industriously circulated; they say,

“ 2dly. We believe, that instructing the people in political knowledge, and in their natural and inherent rights as men, is the only effectual way to obtain the grand object of reform; for men need only be made acquainted with the abuses of government, and they will readily join in every lawful means to obtain redress. We have the pleasure to inform you that our societies consist of some hundreds; and new societies are frequently forming, which, by delegates, preserve a mutual
intercourse

intercourse with each other for instruction and information; and the greatest care has been taken to preserve order and regularity at our meetings, to convince the world that riot and disorder are no parts of our political creed.

“3dly. We believe, and are firmly persuaded, that Mr. Burke (the once friend of liberty) has traduced the greatest and most glorious revolution ever recorded in the annals of history. We thank Mr. Burke for the political discussion provoked, and by which he has opened unto us the dawn of a glorious day.

“4thly. To Mr. Thomas Paine our thanks are especially due, for his first and second part of the Rights of Man; and we sincerely wish that he may live to see his labours crowned with success in the general diffusion of liberty and happiness among mankind.”

This, therefore, is an unqualified approbation of Mr. Paine's works, the first and second part of the Rights of Man. They then go on to speak of some discoveries made, relative to the Westminster election, in 1788, which it is not necessary to trouble you with:—they conclude thus:

“6thly. We congratulate our brethren in the various parts of the kingdom, on the progress of political knowledge, and earnestly entreat them to increase their associations, in order to form one grand and extensive union of all the friends of general liberty. And we hope the time is not far distant, when the people of England will be equally and faithfully represented in parliament.”

Gentlemen, the idea of forming a grand union, is twice expressed in that single paper. I should observe to you, the date of that letter was the 24th March, 1792; and there is an alteration in it, in Mr. Tooke's hand-writing, and the alteration, perhaps, it may be as well for you to look at. It is altered from the 24th ultimo, to the 24th of March, and I rather suppose it was made after it came into the hands of Mr. Adams, with a view only to its being entered into the book, and it does not afford proof that Mr. Horne Tooke had seen it, or had corrected it before it came to the society; so that what I have stated, seems to be the effect of it, if it is not carried further; but when you look at it you will see how that is.

Jury. My Lord, it is of no consequence.

Lord President. Gentlemen, the next paper that is read, was found upon Mr. Adams, which is a paper containing the names of the persons elected members from the Norwich Society, and the observation upon that paper is, the descriptions added to the names of those persons, are in the hand-writing of Mr. Tooke; and there seems to be something else in the paper which makes it proper it should be read.

"To the London Society for Constitutional Information.

"The Norwich Revolution Society wishes to open a communication with you at this time, when corruption has acquired a publicity in the senate, which exacts from the honour of the British nation renewed exertions for parliamentary reform.— Without pre-judging the probable event of such an application to the legislature, this society is willing to circulate the information and to co-operate in the measures that may seem best adapted to further so desirable and so important an end. It is willing to hope the redress of every existing grievance at the hands of a government resulting from an extraordinary convocation, in 1688, of all who had at any preceding time been elected representatives of the people, assisted by the hereditary counsellors of the nation, and a peculiar deputation from the metropolis, which national constituting assembly cashiered, for misconduct, a King of the house of Stuart.

"The opinions and principles of this society are best explained by an appeal to their literary representatives. To James Macintosh, author of the *Vindicæ Gallicæ*, this society offers the tribute of its approbation and gratitude, for the knowledge, the eloquence, and philosophical spirit with which he has explained, defended, and commended the revolution of France. It hesitates to assent to this only of his opinions, that 'there are but two interests in society, those of the rich and those of the poor.'— If so, what chance have the latter? Surely the interests of all the industrious, from the richest merchant to the poorest mechanic, are in every community the same—to lessen the numbers of the unproductive, to whose maintenance they contribute, and to do away such institutions and imposts as abridge the means of maintenance, by resisting the demand for labour, or by sharing its reward; as the means most conducive to this comprehensive end, the Norwich Revolution Society desires an equitable representation of the people.

"The Rights of Man, by Thomas Paine, and the Advice to the Privileged Orders, by Joel Barlow, have also been read with attention, and circulated with avidity. They point out with clearness most of the abuses which have accumulated under the British Government; they attack with energy most of the prejudices which have tended to perpetuate them.

"Internally, our society is thus organized:—any person proposed and seconded by a member is received, on paying an admission fine, and obliging himself to an annual contribution toward the purchase of books for the use of the society, and for inculcation among the confederated clubs. The members assemble twice monthly. A Committee of Correspondence is periodically elected by ballot, to select books, and to conduct

other literary business. A Committee of Twelve is periodically named by acclamation to attend severally the meetings of the various confederated clubs, which are invited in like manner to depute a member to the monthly meetings of this. These clubs are now seven in number, and more are expected to announce their adherence. The Norwich Revolution Society proposing to extend this form of combination, recommends for admission into the London Society for Constitutional Information the following twelve persons:

(Signed) "T. Goff, Chairman.
 "George Watson, Charles Basham,
 "Mark Wilks, Henry Rolenson,
 &c. &c.

"Norwich,

"April 26th, 1792."

Gentlemen, the observation upon that letter is, that Mr. Horne Tooke added to the names of the persons who were recommended to be associated members from the Norwich Society to the Constitutional Society, the description of their situations; and from thence it is inferred, with a great deal of colour, there must have been some private correspondence with Mr. H. Tooke, from Norwich, to enable him to have some knowledge of the situations of those persons, and to fill up the descriptions to the names: and, with respect to the letter itself, it seems to be desirous of a combination for assisting and promoting their object, which is in itself dangerous and threatening, to destroy the peace of the country in which it is circulated—It states its object to be to combine those persons together for an object or purpose, if it is good it is very well, but if it is bad it is exceedingly dangerous to the community.

Gentlemen, the next evidence is the proceedings of the 4th May, of the Constitutional Society, at which Mr. Martin was proposed as an honorary member—Those proceedings should be now read.

"Mr. Martin, of Richmond Buildings, Dean-street, Soho, was proposed as an honorary member by Mr. Tooke, and seconded by Mr. Frost—read a letter from the Revolution and Constitutional Societies at Norwich.

"Resolved, That this society receives the above communication with the most heart-felt satisfaction, and desires most earnestly to concur and co-operate with those societies in their laudable objects.

"Resolved, That the secretary do inform them of the same, and that this society has unanimously elected twelve members of the Norwich societies to be associated members of this society."

Gentlemen, the next piece of evidence is, the proceedings of the society of the 16th May, 1792, in which there is a letter from

from Mr. Martin, and the original letter was produced, which is proved by Mr. Woodfall to have in it an alteration in the hand-writing of Mr. Tooke;—the alteration is this, instead of the words “learned men,” which was in the letter, the words inserted by Mr. Tooke are, “gentlemen who are so highly approved of by the public.” It does not seem to me I need trouble you with reading that; the effect of it is; that Mr. H. Tooke had communication with Mr. Martin, and that he had something to do with correcting a letter Mr. Martin wrote to the society—it seems to me to go no further.

Gentlemen, the next part of the evidence is, the proceedings of the 11th May, 1792, when Mr. Tooke was present: I believe it is necessary those proceedings should be read, for they were with respect to an address which was at that time proposed to be sent to a society in France, called the Jacobins, meeting in Paris.

“Brothers and Fellow Citizens of the World,”

“The cordial and affectionate reception with which you have honoured our worthy countrymen, Mr. Thomas Cooper and Mr. James Watt, members of the society at Manchester, and united with our society, has been communicated to us by the correspondence of those gentlemen.

“In offering you our congratulations on the glorious revolution which your nation has accomplished, we speak a language which only sincerity can dictate.

“The formality of courts affords no example to us. To do our thoughts justice, we give to the heart the liberty it delights in, and hail you as brothers.

“It is not among the least of the revolutions which time is unfolding to an astonished world, that two nations nursed by some wretched craft in reciprocal hatred, should so suddenly break their common odious chain, and rush into amity.

“The principle that can produce such an effect, is the offspring of no earthly court; and whilst it exhibits to us the expensive iniquity of former politics, it enables us, with bold felicity, to say, we have done with them!

“In contemplating the political condition of nations, we cannot conceive a more diabolical system of government, than that which has hitherto been generally practised over the world: To feed the avarice and gratify the wickedness of ambition, the fraternity of the human race has been destroyed; as if the several nations of the earth had been created by rival Gods. Man has not considered man as the work of one Creator.

“The political institutions under which he has lived have been counter to whatever religion he professed.

" Instead of that universal benevolence which the morality of every known religion declares, he has been politically bred to consider his species as his natural enemy, and to describe virtues and vices by a geographical chart.

" The principles we now declare are not peculiar to the society that addresses you; they are extending themselves, with accumulating force, through every part of our country, and derive strength from an union of causes, which no other principles admit.

" The religious friend of man, of every denomination, records them as his own; they animate the lover of rational liberty; and they cherish the heart of the poor, now bending under an oppression of taxes, by a prospect of relief.

" We have against us only that same enemy which is the enemy of justice in all countries—a herd of courtiers fattening on the spoil of the public.

" It would have given an additional triumph to our congratulations, if the equal rights of man (which are the foundation of your declaration of rights) had been recognized by the governments around you, and tranquillity established in all: But if despotisms be still reserved, to exhibit, by conspiracy and combination, a further example of infamy to future ages, that Power that disposes of events best knows the means of making that example finally beneficial to his creatures.

" We have beheld your peaceable principles insulted by despotic ignorance: We have seen the right hand of fellowship, which you hold out to the world, rejected by those who riot on its plunder: We now behold you a nation provoked into defence; and we can see no mode of defence equal to that of establishing the general freedom of Europe.

" In this best of causes we wish you success. Our hearts go with you; and in saying this, we believe we utter the voice of millions."

" Resolved, That the above address be signed by the chairman, and that Mr. J. H. Tooke be requested to transmit it, with all possible dispatch, to Mr. James Watt, at Paris.

" Resolved, That the said address be read a second time at the next meeting, for publication.

" Resolved, That a committee be appointed to meet the committees of the Southwark, London, and Westminster Societies of the Friends of the People, to-morrow evening, at seven o'clock, at the White Hart Tavern in Holborn, and be empowered to co-operate with them in the publication of the four resolutions contained in the declaration heretofore published by this society.

" Resolved,

“ Resolved, that the following be the committee, John H. Tooke, William Sharpe, John Pearson, Jeremiah Joyce, and James West.”

Gentlemen, any address to the Jacobins at Paris, I don't make any observation upon at present—it does not properly belong to the present enquiry: a letter written from one society to another society in another country, though it may be very improper, does not touch the present enquiry, but the exceptionable parts they lay stress upon, are, they first say, it would have given them an additional triumph to their congratulations, if the equal rights of man had been recognized by the governments around. If it was meant by that, it was to be recognized within our government, it is a very exceptionable idea, for the equal rights of man could not be introduced without disturbing the peace of the country we live in. If it is meant only that other countries might recognize them, so far as the establishment of those principles with respect to France, and that the peace of this country should not be disturbed, there does not seem to be much reason to quarrel with it. The other expression is more exceptionable, and leads to more observation: they say, “ we now behold you a nation provoked into defence, and we can see no mode of defence equal to that of establishing the general freedom of Europe.” It appears they meant the French were to revenge themselves, by taking upon themselves to establish what this paper calls the general freedom of Europe, by its force, which is a most dangerous idea; but whether that is the true sense of it, you will judge. The other part of the paper goes to the appointment of committees of the Southwark, London, and Westminster Societies of the Friends of the People, empowering them to co-operate in the publication of the four resolutions contained in the declaration before published by that society.—I apprehend those are the declarations of the Southwark Society, and transmitted by them to this society. You observe too, in that there was a very alarming and unguarded expression, which prudent men ought to have suppressed, and that does afford an observation on the part of the prosecution.

Gentlemen, I should be very glad, if, by any exertions of mine, I could hope to go through this summing up to-night: I could wish to be able to do it, in order to release you, and to get through the cause; but I see plainly, the length of it will go beyond any reasonable hour, and beyond any power of mine to exert myself; therefore, I believe it may be proper to say, I will meet you at nine o'clock to-morrow morning.

Adjourned to Nine o'clock,

SATURDAY

SATURDAY, NOVEMBER 22, 1794.

The Court met, pursuant to adjournment, at Nine o'clock this morning.

PRESENT,
THE LORD CHIEF JUSTICE.

The LORD CHIEF BARON,	Mr. BARON HOTHAM,
Mr. JUSTICE GROSE,	Mr. JUSTICE LAWRENCE.

Lord President. Gentlemen, I left off last night with stating to you the proceedings of the 11th May, with the address to the Jacobins. The next proceeding was on the 18th May, 1792, at the Crown and Anchor Tavern, when Mr. Horne Tooke was present—the proceedings of this meeting will be read to you.

“ Read, a second time, the address to the Friends of the Constitution, at Paris, known by the name of the Jacobins, and ordered to be published in the papers.

“ Read the following letter from Mr. Paine, acquainting the society that he is proceeding to bring out a cheap edition of the first and second parts of the Rights of Man.

“ Resolved, That this society will contribute its utmost aid towards supporting the rights of the nation.”

“ SIR

London, May 18th, 1792.

“ The honourable patronage which the Society for Constitutional Information has repeatedly given to the work, intituled ‘ Rights of Man,’ renders it incumbent on me to communicate to them whatever relates to the progress of that work.

“ A great number of letters, from various parts of the country, have come to me, expressing an earnest desire that the first and second parts of ‘ Rights of Man’ could be rendered more generally useful, by printing them in a cheaper manner than they have hitherto been. As those requests were from persons to whom the purchase at the present price is inconvenient, I took the proper means for complying with their request.

“ I am since informed that the Ministry intend bringing a prosecution; and as a nation (as well the poor as the rich) has a right to know what any works are that are made the subject of a prosecution, the getting out a cheap edition is, I conceive, rendered more necessary than before, as a means towards sup-

porting

porting that right;—and I have the pleasure of informing the society, that I am proceeding with the work.

“ I am, &c.

“ THOMAS PAINE.

“ To the Chairman of the Society for Constitutional Information.”

“ The society took into consideration the contents of the aforesaid letter, and came to the following resolutions :

“ Resolved, That the thanks of this society be given to Mr. Thomas Paine, for the communication he has made, and for the patriotic disinterestedness manifested in them.

“ Resolved, That this society will contribute its utmost aid towards supporting the rights of the nation, and the freedom of the press, and him who has so essentially and successfully contributed to both.

“ Resolved, That the right of investigating principles and systems of government is one of these rights; and that the works of any author, which cannot be refuted by reason, cannot, on the principles of good government, or of common sense, be made the subject of a prosecution.

“ Resolved, That the excessive taxes which this country pays, being now seventeen millions annually, give an additional motive for the exercise of this right, and render it at the same time a more immediate duty the nation owes to itself, to enter upon and promote all such investigations.

“ Resolved, That a committee be appointed to enquire into the rumour of the above-mentioned prosecution; and to report thereon to the society at its next meeting.

“ Resolved, That a copy of Mr. Paine's letter, together with these resolutions, be transmitted to all the associated societies in town and country; and that this society do congratulate them on the firm and orderly spirit, and tranquil perseverance, manifested in all their proceedings, and exhort them to a steady continuance therein.

“ Resolved, That 3,000 copies of the above letter and resolutions be printed for the use of this society.”

Gentlemen, Mr. Maclean then proved a paper he found at Mr. Adams's, and it appears to be the same minutes, with corrections, in the hand-writing of Mr. Horne Tooke, as is proved by Mr. Woodfall, and containing charges for printing in the newspapers those resolutions and also the address respecting the Jacobins.

Gentlemen, on the 25th May, 1792, another meeting was held at the Crown and Anchor Tavern, when Mr. Horne Tooke was present: it appears at that meeting, that 6,000 copies of the bills were ordered to be printed, that were directed

at

at the former meeting, and it contains a direction for the distribution of them among the different societies; and it appears that twelve guineas were charged for printing Mr. Paine's letter and the address to the Jacobins, and other sums for sending them by the coaches to Norwich, Glasgow, and other places.

On the 1st June, another meeting was held, when Mr. H. Tooke was present, and the secretary reported, he had sent the different copies of the bills that were ordered by the last meeting to be printed, according to some directions he had received, amounting to a pretty large sum; and then 3,000 more were ordered to be printed, and to be sent to different places.

Gentlemen, a letter was read from the Corresponding Society, dated 31st May, 1792, and was ordered to be published in such newspapers as would receive the advertisements of the society.

" SIR,

May 31, 1792.

" The London Corresponding Society return thanks to the Society for Constitutional Information, for the communication of Mr. Thomas Paine's letter to them, and of their resolutions subsequent thereto.

" It gives us infinite satisfaction to think that mankind will soon reap the advantage of Mr. Paine's labours, in a new and cheaper edition of the Rights of Man.

" We are, however, no ways surprized at the report of a prosecution being commenced against his works, for, by the doctrine substituted for law in England, that truth constitutes the libel, the very many truths in both the volumes of the Rights of Man, render them completely libellous, and force administration, perhaps against their inclination, to submit them to the impartial investigation of competent judges.

" His Majesty's proclamation next engages our notice; after reading it with great attention, we discard an idea thrown out by some, that it had been drawn up and sent forth at this juncture with a view of raising unfavourable prejudices in the minds of the people against Mr. Paine, or his works, now under a prosecution; inasmuch, as such an attempt, if it could be proved would not only bear malice on the face of it, but would likewise be a most daring violation of the laws.

" We are more willing to discover therein his Majesty's great goodness of heart and paternal care, anticipating our warmest wishes, giving the greatest encouragement to our different societies, and holding forth the same strong desire with us of abiding by the constitution in its pure and uncorrupted state, of securing the public peace and prosperity, of preserving to ALL, the full enjoyment of their rights and liberties, both religious
and

and civil ; and seeming, in fact, to encourage them under the most serious consideration of their own welfare and that of their posterity, to join us, and unite their endeavours with ours in guarding against all attempts, aiming at the subversion of wholesome and regular government, and to discourage and repress, to the utmost of their power, all proceedings tending to produce riots and tumults.

“ Our ends being thus incontrovertibly the same, and thereby enjoying the royal sanction, we imagine that in exercising our right of meeting, when and where we please, of canvassing such subjects as we think proper, of instructing our fellow citizens, and of uniting our endeavours to obtain a perfect representation in parliament, we are taking the truest method of securing to ourselves and our posterity all the blessings of liberty and peace.

“ Yielding to the Society for Constitutional Information, both in priority of institution, and in greatness of abilities, we yet put in our claim for equality of zeal towards the public good, and firm determination to obtain it.

“ We are, &c.

(Signed) “ Maurice Margarot, Chairman,
“ Thomas Hardy, Secretary.

“ To Major Cartwright, Chairman of the Society
for Constitutional Information.”

“ Ordered, That the said letter be published in such newspapers as will receive the advertisements of this society.

“ Resolved, That an open committee do take into consideration Paine's letter, which is to be printed in the Argus of to-morrow, and have power to transmit copies to the different Corresponding Societies.

“ Six thousand copies of the resolutions relative to the proclamation to be printed, and sent to the different Corresponding Societies.”

Gentlemen, the next piece of evidence was the resolutions come to on the 15th June, 1792, when Mr. H. Tooke was in the chair : the original minutes were found at Mr. Adams's, and are proved by Mr. Woodfall to be in Mr. Tooke's handwriting.—You will read those original minutes.

“ Read a letter from the London Corresponding Society, stating, that they had opened a subscription for the defence of Mr. Paine, and that they wished six of their members might be associated with this society.

“ Ordered, That the secretary be desired to inform the secretary of the London Corresponding Society, that this society received their proposal with pleasure ; and are willing to admit such six of the members whom they shall nominate, to be associated members of this society.

“Resolved, That a subscription be opened in this society for the benefit of Mr. Thomas Paine, author of the Rights of Man.

“Ordered, That the letter of the London Corresponding Society, and the two last resolutions, be published in the newspapers.

“Resolved, That 12,000 copies of Mr. Paine’s letter to Mr. Secretary Dundas, be printed by this society, for the purpose of being transmitted to our correspondents throughout Great Britain; and that a committee be appointed to direct the same.”

Gentlemen, Mr. Adams was then called, in order to substantiate the book of expenditure, which he did, and also some other proceedings in the book of this society, to which he was not before examined.

The next proceedings read were those upon the 22d June, 1792, when directions were given for a subscription to be opened for Mr. Paine, that were to be received by Mr. Bonney, his solicitor, and a report of the estimate of the expence of printing 12,000 copies of Mr. Paine’s letter to Mr. Dundas, ordered at the last meeting: that estimate was 25l. which was agreed to, and a committee appointed to consider how those 12,000 copies were to be circulated. They then call Thomas Chapman and Jeremiah Jordan, in order to prove those works that had been ordered to be printed: Chapman said he printed the second part of the Rights of Man, up to folio 128, and then left off. Jordan said that Mr. White, the solicitor of the treasury, came to him, but he could not take upon himself to say whether he had given Mr. White a copy of the work then produced; he says, he wrote a memorandum upon it, but did not know whether it was published by him: upon further pressing, he said he believed he received it from one Mr. Huntley:—he said he did not know but he might have given it away. The memorandum upon it was, that it had been bought of Mr. Johnson by Mr. Huntley: he said Mr. Johnson would not have sold a book with his name to it: he said he had published copies of the same work for Mr. Paine, and had an account with Paine. He says, that after the suit was brought against him upon account of this work, he went to Mr. Horne Tooke, according to a letter from Mr. Paine, expecting to meet Paine there, and he accordingly met him and Horne Tooke there, and had a little dispute about his being doubtful of the action being defended by Mr. Bonney: he said Mr. Bonney was present, and Mr. King, Mr. Jordan’s attorney, was present, as he would not go without him, being fearful. He says he was desired to rely upon Bonney, to leave it to him, and go quietly home. Parts of the book were read, and those parts must now be read.

"Rights of Man, Part Second, combining principle and practice.

(Page 21.) "All hereditary government is in its nature tyranny. An heritable crown, or an heritable throne, or by what other fanciful name such things may be called, have no other significant explanation than that mankind are heritable property. To inherit a government, is to inherit the people, as if they were flocks and herds."

(P. 47.) "This convention met at Philadelphia, in May, 1787, of which General Washington was elected president. He was not at that time connected with any of the state governments, or with congress. He delivered up his commission when the war ended, and since then had lived a private citizen.

"The convention went deeply into all the subjects; and having, after a variety of debate and investigation, agreed among themselves upon the several parts of a federal constitution, the next question was, the manner of giving it authority and practice.

"For this purpose, they did not, like a cabal of courtiers, send for a Dutch Stadtholder, or a German Elector; but they referred the whole matter to the sense and interest of the country."

(Page 50.) "In England, it is not difficult to perceive that every thing has a constitution, except the nation. Every society and association that is established, first agreed upon a number of original articles, digested into form, which are its constitution. It then appointed its officers, whose powers and authorities are described in that constitution; and the government of that society then commenced. Those officers, by whatever name they are called, have no authority to add to, alter, or abridge the original articles. It is only to the constituting power that this right belongs.

"From the want of understanding the difference between a constitution and a government, Dr. Johnson, and all writers of his description, have always bewildered themselves. They could not but perceive, that there must necessarily be a controuling power existing somewhere, and they placed this power in the discretion of the persons exercising the government, instead of placing it in a constitution formed by the nation. When it is in a constitution, it has the nation for its support, and the natural and political controuling powers are together. The laws which are enacted by governments, controul men only as individuals; but the nation, through its constitution, controuls the whole government, and has a natural ability so to do. The final controuling power, therefore, and the original constituting power, are one and the same power.

"Dr. Johnson could not have advanced such a position in any country where there was a constitution; and he is him-

self an evidence, that no such thing as a constitution exists in England. But it may be put as a question, not improper to be investigated, That if a constitution does not exist, how came the idea of its existence so generally established?

“ In order to decide this question, it is necessary to consider a constitution in both its cases:—First, as creating a government and giving it powers.—Secondly, as regulating and restraining the powers so given.

“ If we begin with William of Normandy, we find that the government of England was originally a tyranny, founded on an invasion and conquest of the country. This being admitted, it will then appear, that the exertion of the nation, at different periods, to abate that tyranny, and render it less intolerable, has been credited for a constitution.

“ Magna Charta, as it was called (it is now like an almanack of the same date), was no more than compelling the government to renounce a part of its assumptions. It did not create and give powers to government in the manner a constitution does, but was, as far as it went, of the nature of a re-conquest, and not of a constitution; for could the nation have totally expelled the usurpation, as France has done its despotism, it would then have a constitution to form.

“ The history of the Edwards and Henries, and up to the commencement of the Stuarts, exhibits as many instances of tyranny as could be acted within the limits to which the nation had restricted it. The Stuarts endeavoured to pass those limits, and their fate is well known. In all those instances we see nothing of a constitution, but only of restrictions on assumed power.

“ After this, another William, descended from the same stock, and claiming from the same origin, gained possession; and of the two evils, James and William, the nation preferred what it thought the least; since, from circumstances, it must take one. The act, called the Bill of Rights, comes here into view. What is it, but a bargain which the parts of the government made with each other to divide powers, profits and privileges? You shall have so much, and I will have the rest; and with respect to the nation, it is said, for your share you shall have the right of petitioning. This being the case, the bill of rights is more properly a bill of wrongs, and of insult. As to what is called the convention parliament, it was a thing that made itself, and then made the authority by which it acted. A few persons got together, and called themselves by that name. Several of them had never been elected, and none of them for the purpose.

“ From the time of William, a species of government arose,
issuing

issuing out of this coalition bill of rights; and more so, since the corruption introduced at the Hanover succession, by the agency of Walpole; that can be described by no other name than a despotic legislation. Though the parts may embarrass each other, the whole has no bounds; and the only right it acknowledges out of itself, is the right of petitioning. Where then is the constitution either that gives or that restrains power?

“ It is not because a part of the government is elective, that makes it less a despotism, if the persons so elected, possess afterwards, as a parliament, unlimited powers. Election, in this case, becomes separated from representation, and the candidates are candidates for despotism.”

“(P. 63.) “ With respect to the two houses, of which the English parliament is composed, they appear to be effectually influenced into one, and, as a legislature, to have no temper of its own. The minister, whoever he at any time may be, touches it as with an opium wand, and it sleeps obedience.

“ But if we look at the distinct abilities of the two houses, the difference will appear so great, as to shew the inconsistency of placing power where there can be no certainty of the judgment to use it. Wretched as the state of representation is in England, it is manhood compared with what is called the house of Lords; and so little is this nick-named house regarded, that the people scarcely inquire at any time what it is doing. It appears also to be most under influence, and the furthest removed from the general interest of the nation. In the debate on engaging in the Russian and Turkish war, the majority in the house of peers, in favour of it, was upwards of ninety; when in the other house, which is more than double its numbers, the majority was sixty-three.”

(P. 65.) “ But in whatever manner the separate parts of a constitution may be arranged, there is one general principle that distinguishes freedom from slavery, which is, that all hereditary government over a people is to them a species of slavery, and representative government is freedom.”

(P. 107.) “ Having thus glanced at some of the defects of the two houses of parliament, I proceed to what is called the crown, upon which I shall be very concise.

“ It signifies a nominal office of a million sterling a year, the business of which consists in receiving the money. Whether the person be wise or foolish, sane or insane, a native or a foreigner, matters not. Every ministry acts upon the same idea that Mr. Burke writes, namely, that the people must be hood-winked, and held in superstitious ignorance by some bugbear or other; and

and what is called the crown answers his purpose, and, therefore, it answers all the purposes to be expected from it. This is more than can be said of the other two branches.

“ The hazard to which this office is exposed in all countries, is not from any thing that can happen to the man, but from what may happen to the nation—the danger of its coming to its senses.”

“ (P. 161.) “ The fraud, hypocrisy, and imposition of governments, are now beginning to be too well understood to promise them any longer career. The farce of monarchy and aristocracy, in all countries, is following that of chivalry, and Mr. Burke is dressing for the funeral. Let it then pass quietly to the tomb of all other follies, and the mourners be comforted.

“ The time is not very distant when England will laugh at itself for sending to Holland, Hanover, Zell, or Brunswick for men, at the expence of a million a year, who understood neither her laws, her language, nor her interest, and whose capacities would scarcely have fitted them for the office of a parish constable. If government could be trusted to such hands, it must be some easy and simple thing indeed, and materials fit for all the purposes may be found in every town and village in England.”

Note. (P. 170.) “ I know it is the opinion of many of the most enlightened characters in France (there always will be those who see farther into events than others) not only among the general mass of citizens, but of many of the principal members of the former National Assembly, that the monarchical plan will not continue many years in that country. They have found out, that as wisdom cannot be made hereditary, power ought not; and that, for a man to merit a million sterling a year from a nation, he ought to have a mind capable of comprehending from an atom to a universe; which, if he had, he would be above receiving the pay. But they wished not to appear to lead the nation faster than its own reason and interest dictated. In all the conversations where I have been present upon the subject, the idea always was, that when such a time, from the general opinion of the nation, shall arrive, that the honourable and liberal method would be, to make a handsome present in fee simple to the person, whoever he may be, that shall then be in the monarchical office, and for him to retire to the enjoyment of private life, possessing his share of general rights and privileges, and to be no more accountable to the public for his time and his conduct than any other citizen.”

(Preface, p. vii.) “ When I began the chapter entitled the ‘ *Conclusion* ’ in the former part of the RIGHTS of MAN, published

published last year, it was my intention to have extended it to a greater length; but in casting the whole matter in my mind, which I wished to add, I found that I must either make the work too bulky, or contract my plan too much. I, therefore, brought it to a close as soon as the subject would admit, and reserved what I had further to say to another opportunity.

“Several other reasons contributed to produce this determination. I wished to know the manner in which a work, written in a style of thinking and expression different to what had been customary in England, would be received before I proceeded farther. A great field was opening to the view of mankind by means of the French Revolution. Mr. Burke's outrageous opposition thereto brought the controversy into England. He attacked principles which he knew (from information) I would contest with him, because they are principles I believe to be good, and which I have contributed to establish, and conceive myself bound to defend. Had he not urged the controversy, I had most probably been a silent man.

“Another reason for deferring the remainder of the work was, that Mr. Burke promised, in his first publication, to renew the subject at another opportunity, and to make a comparison of what he called the English and French Constitutions. I, therefore, held myself in reserve for him. He has published two works since, without doing this; which he certainly would not have omitted, had the comparison been in his favour.

“In his last work, ‘His appeal from the new to the old Whigs,’ he has quoted about ten pages from the Rights of Man, and having given himself the trouble of doing this, says, ‘he shall not attempt, in the smallest degree, to refute them,’ meaning the principles therein contained. I am enough acquainted with Mr. Burke to know, that he would if he could. But instead of contesting them, he immediately after consoles himself with saying, that ‘he has done his part.’—He has not done his part; he has not performed his promise of a comparison of constitutions. He started the controversy, he gave the challenge, and has fled from it; and he is now a case in point with his own opinion, that, ‘the age of chivalry is gone!’

“The title, as well as the substance of his last work, his ‘Appeal,’ is his condemnation. Principles must stand on their own merits, and if they are good they certainly will. To put them under the shelter of other men's authority, as Mr. Burke has done, serves to bring them into suspicion. Mr. Burke is not very fond of dividing his honours, but in this case he is artfully dividing the disgrace.

“But who are those to whom Mr. Burke has made his appeal? A set of childish thinkers and half-way politicians, born in the last century; men who went no farther with any principle than

than as it suited their purpose as a party ; the nation was always left out of the question ; and this has been the character of every party from that day to this. The nation sees nothing in such works, or such politics, worthy its attention. A little matter will move a party, but it must be something great that moves a nation.

“ Though I see nothing in Mr. Burke’s Appeal worth taking much notice of, there is, however, one expression upon which I shall offer a few remarks. After quoting largely from the *Rights of Man*, and declining to contest the principles contained in that work, he says, ‘ This will most probably be done (if such writings shall be thought to deserve any other refutation than that of criminal justice) by others, who may think with Mr. Burke and with the same zeal.’

“ In the first place, it has not yet been done by any body.— Not less, I believe, than eight or ten pamphlets, intended as answers to the former part of the ‘ *Rights of Man*,’ have been published by different persons, and not one of them, to my knowledge, has extended to the second edition, nor are even the titles of them so much as generally remembered. As I am averse to unnecessary multiplying publications, I have answered one of them, and as I believe that a man may write himself out of reputation when nobody else can do it, I am careful to avoid that rock.

“ But as I would decline unnecessary publications on the one hand, so would I avoid every thing that might appear like swollen pride on the other. If Mr. Burke, or any person on his side the question, will produce an answer to the ‘ *Rights of Man*,’ that shall extend to an half, or even to a fourth part of the number of copies to which the *Rights of Man* extended, I will reply to his work. But until this be done, I shall so far take the sense of the public for my guide (and the world knows I am not a flatterer) that what they do not think worth while to read, is not worth mine to answer. I suppose the number of copies to which the first part of the *Rights of Man* extended, taking England, Scotland, and Ireland, is not less than between forty and fifty thousand.

“ I now come to remark on the remaining part of the quotation I have made from Mr. Burke.

‘ If,’ says he, ‘ such writings shall be thought to deserve any other refutation than that of *criminal justice*.’

“ Pardoning the pun, it must be *criminal justice*, indeed, that should condemn a work as a substitute for not being able to refute it. The greatest condemnation that could be passed upon it would be a refutation. But in proceeding by the method Mr. Burke alludes to, the condemnation would, in the final event, pass upon the criminality of the process and not upon the work,
and

and in this case, I had rather be the author, than be either the judge, or the jury, that should condemn it.

“ But to come at once to the point. I have differed from some professional gentlemen on the subject of prosecutions, and I since find they are falling into my opinion, which I will here state as fully, but as concisely as I can.

“ I will first put a case with respect to any law, and then compare it with a government, or with what in England is, or has been, called a constitution.

“ It would be an act of despotism, or what in England is called arbitrary power, to make a law to prohibit investigating the principles, good or bad, on which such a law, or any other is founded.

“ If a law be bad, it is one thing to oppose the practice of it, but it is quite a different thing to expose its errors, to reason on its defects, and to shew cause why it should be repealed, or why another ought to be substituted in its place. I have always held it an opinion (making it also my practice) that it is better to obey a bad law, making use at the same time of every argument to shew its errors and procure its repeal, than forcibly to violate it; because the precedent of breaking a bad law might weaken the force, and lead to a discretionary violation of those which are good.

“ The case is the same with respect to principles and forms of government, or to what are called constitutions and the parts of which they are composed.

“ It is for the good of nations, and not for the emolument or aggrandisement of particular individuals, that government ought to be established, and that mankind are at the expence of supporting it. The defects of every government and constitution, both as to principle and form must, on a parity of reasoning, be as open to discussion as the defects of a law, and it is a duty which every man owes to society to point them out. When those defects, and the means of remedying them, are generally seen by a nation, that nation will reform its government or its constitution in the one case, as the government repealed or reformed the law in the other. The operation of government is restricted to the making and the administering of laws; but it is to a nation that the right of forming or reforming, generating or regenerating constitutions and governments belong; and consequently those subjects, as subjects of investigation, are always before a country as a matter of right, and cannot, without invading the general rights of that country, be made subjects for prosecution. On this ground I will meet Mr. Burke whenever he please. It is better that the whole argument should come out,

than to seek to stifle it. It was himself that opened the controversy, and he ought not to desert it.

" I do not believe that monarchy and aristocracy will continue seven years longer in any of the enlightened countries in Europe. If better reasons can be shewn for them than against them, they will stand; if the contrary, they will not. Mankind are not now to be told they shall not think, or they shall not read; and publications that go no farther than to investigate principles of government, to invite men to reason and to reflect, and to shew the errors and excellencies of different systems, have a right to appear. If they do not excite attention, they are not worth the trouble of a prosecution; and if they do, the prosecution will amount to nothing, since it cannot amount to a prohibition of reading. This would be a sentence on the public, instead of the author, and would also be the most effectual mode of making or hastening revolutions.

" On all cases that apply universally to a nation, with respect to systems of government, a jury of twelve men is not competent to decide. Where there are no witnesses to be examined, no facts to be proved, and where the whole matter is before the whole public, and the merits or demerits of it resting on their opinion; and where there is nothing to be known in a court, but what every body knows out of it, every twelve men is equally as good a jury as the other, and would most, probably, reverse each other's verdict; or from the variety of opinions, not be able to form one. It is one case, whether a nation approve a work, or a plan; but it is quite another case, whether it will commit to any such jury the power of determining whether that nation have a right to, or shall reform its government, or not. I mention those cases that Mr. Burke may see I have not written on Government without reflecting on what is Law, as well as on what are Rights.—The only effectual jury, in such cases, would be, a convention of the whole nation, fairly elected, for in all such cases the whole nation is the vicinage.—If Mr. Burke will propose such a jury, I will wave all privileges of being the citizen of another country, and, defending its principles, abide the issue, provided he will do the same; for my opinion is, that his work and his principles would be condemned instead of mine.

" As to the prejudices which men have from education and habit, in favour of any particular form or system of government, those prejudices have yet to stand the test of reason and reflection. In fact, such prejudices are nothing. No man is prejudiced in favour of a thing knowing it to be wrong. He is attached to it on the belief of its being right; and when he sees it not so, the prejudice will be gone. We have but a defective

fective idea of what prejudice is. It might be said, that until men think for themselves the whole is prejudice, and not opinion; for that only is opinion which is the result of reason and reflection. I offer this remark, that Mr. Burke may not confide too much in what has been the customary prejudices of the country.

"I do not believe that the people of England have ever been fairly and candidly dealt by. They have been imposed upon by parties, and by men assuming the characters of leaders. It is time that the nation should rise above those trifles. It is time to dismiss that inattention which has so long been the encouraging cause of stretching taxation to excess. It is time to dismiss all those songs and toasts which are calculated to enslave, and operate to suffocate reflection. On all such subjects men have but to think, and they will neither act wrong nor be misled. To say that any people are not fit for freedom, is to make poverty their choice, and to say they had rather be loaded with taxes than not. If such a case could be proved, it would equally prove, that those who govern are not fit to govern them, for they are a part of the same national mass.

"But admitting governments to be changed all over Europe; it certainly may be done without convulsion or revenge. It is not worth making changes or revolutions, unless it be for some great national benefit; and when this shall appear to a nation, the danger will be, as in America and France, to those who oppose; and with this reflection I close my preface.

"THOMAS PAINE.

"London, Feb. 9, 1792."

Gentlemen, the preface was desired to be read by Mr. Horne Tooke, and the object of it was to shew Mr. Burke had written some work which provoked Mr. Paine to give this answer; but this work of Mr. Paine's was a direct attack upon the monarchy of England, and the constitution, as formed of King, Lords, and Commons, and he being under prosecution for publishing that work, the society took upon itself to support him, and came to resolutions expressing their approbation of the doctrines, and regretting they should be made the subject of a prosecution. Whether that is the fair import of that resolution or no is for your judgment; that is the way it is put to you on the part of the prosecution.

The next piece of evidence produced was the proceedings of the 29th of June, 1792, when Mr. Horne Tooke was present, and there was a plan reported of the distribution of the 12,000 copies which had been ordered of Paine's letter to Mr. Dundas.

On the 6th of July, 1792, Mr. Horne Tooke was present at a meeting, and the Corresponding Society return their thanks

for 200 copies that had been sent to them under the former order. They then produced a letter found at Mr. Adams's from the London Corresponding Society to this society, in which he speaks of having received 200 copies of the Proclamation, as it is called; 200 copies of Paine's letter upon the subject of his being prosecuted, and 200 copies of his letter to Mr. Dundas; and it contains thanks to the Constitutional Society for their agreeing to admit six of their members as honorary members; and an order was made that those persons should be ballotted for at the next meeting.

Gentlemen, Mr. Lauzun then produced a paper found in the hands of Mr. Hardy, which must now be read.

"Printed and distributed gratis, by the Society for Constitutional Information."

"To Mr. HENRY DUNDAS.

"SIR,

London, June 6, 1792.

"As you opened the debate in the House of Commons, May 25th, on the proclamation for suppressing publications, which that proclamation (without naming any) calls wicked and seditious, and as you applied those opprobrious epithets to the works entitled 'RIGHTS OF MAN,' I think it unnecessary to offer any other reason for addressing this letter to you.

"I begin, then, at once, by declaring that I do not believe there are to be found in the writings of any author, ancient or modern, on the subject of government, a spirit of greater benignity, and a stronger inculcation of moral principles, than in those which I have published. They come, Sir, from a man, who, by having lived in different countries, and under different systems of government, and who, being intimate in the construction of them, is a better judge of the subject than it is possible that you, from the want of those opportunities, can be:—And, besides this, they come from a heart that knows not how to beguile.

"I will further say, that when that moment arrives in which the best consolation that shall be left will be, that of looking back on some past actions, more virtuous, more meritorious, than the rest, I shall then with happiness remember, among other things, I have written the RIGHTS OF MAN.—As to what proclamations, or prosecutions, or placemen, or place-expectants—those who possess, or those who are gaping for office, may say of them, it will not alter their character, either with the world or with me.

"Having, Sir, made this declaration, I shall proceed to remark, not particularly upon your own speech on that occasion, but on any other speech to which your motion on that day gave rise; and shall begin with that of Mr. Adam.

"This

" This gentleman accuses me of *not* having done the very thing that *I have done*, and which, he says, if I *had* done, he should not have accused me.

" Mr. Adam, in his speech, (see Morning Chronicle of May 26) says, ' That he had well considered the subject of constitutional publications, and was by no means ready to say (but the contrary) that books of science upon government, though recommending a doctrine, or system, different from the form of our constitution (meaning that of England) were fit objects of prosecution; that if he did, he must condemn (which he meant not to do) Harrington for his Oceana, Sir Thomas Moore for his Eutopia, and Hume for his Idea of a perfect Commonwealth. But (continued Mr. Adam) the publication of Mr. Paine was very different; for it reviled what was most sacred in the constitution, destroyed every principle of subordination, and established nothing in their room.'

" I readily perceive that Mr. Adam had not read the Second Part of Rights of Man, and am put under the necessity, either of submitting to an erroneous charge, or of justifying myself against it; and I certainly shall prefer the latter. If, then, I shall prove to Mr. Adam, that, in my reasoning upon systems of government, in the Second Part of Rights of Man, I have shewn as clearly, I think, as words can convey ideas, a certain system of government, and that not existing in theory only, but already in full and established practice, and systematically and practically free from all the vices and defects of the English government, and capable of producing more happiness to the people, and that also with an eightieth part of the taxes which the present system of English government consumes; I hope he will do me the justice when he next goes to the house, to get up and confess he had been mistaken in saying, that I had *established nothing, and that I had destroyed every principle of subordination*. Having thus opened the case, I now come to the point.

" In the Second Part of Rights of Man, I have distinguished government into two classes, or systems; the one, the hereditary system; the other, the representative system.

" In the First Part of Rights of Man, I have endeavoured to shew, and I challenge any man to refute it, that there does not exist a right to establish hereditary government; or, in other words, hereditary governors; because hereditary government always means a government yet to come, and the case always is, that the people who are to live afterwards, have always the same right to choose a government for themselves, as the people had who lived before them.

" In the Second Part of Rights of Man, I have not repeated those

those arguments, because they are irrefutable; but I have confined myself to shew the defects of what is called hereditary government, or hereditary succession; that it must, from the nature of it, throw government into the hands of men totally unworthy of it, from want of principle, or unfitted for it from want of capacity. James the II^d. is recorded as an instance of the first of these cases; and instances are to be found, almost all over Europe, to prove the truth of the latter.

“ To shew the absurdity of the hereditary system still more strongly, I will now put the following case—Take any fifty men, promiscuously, and it will be very extraordinary, if, out of that number, one man should be found, whose principles and talents, taken together (for some might have principles, and others have talents) would render him a person truly fitted to fill any very extraordinary office of National Trust. If, then, such a fitness of character could not be expected to be found in more than one person out of fifty, it would happen but once in a thousand years to the eldest son of any one family, admitting each, on an average, to hold the office twenty years. Mr. Adam talks of something in the constitution, which he calls most sacred; but, I hope, he does not mean hereditary succession, a thing which appears to me a violation of every order of nature, and of common sense.

“ When I look into history, and see the multitudes of men, otherwise virtuous, who have died, and their families been ruined, in defence of knaves and fools, and which they would not have done, had they reasoned at all upon the system; I do not know a greater good that an individual can render to mankind, than to endeavour to break the chains of political superstition. Those chains are now dissolving fast, and proclamations and prosecutions will serve but to hasten that dissolution.

“ Having thus spoken of the hereditary system as a bad system, and subject to every possible defect; I now come to the representative system; and this Mr. Adam will find stated in the second Part of the Rights of Man, not only as the best, but as the only *theory* of government under which the liberties of a people can be permanently secure.

“ But it is needless now to talk of mere theory, since there is already a government in full practice, established upon that theory, or, in other words, upon the Rights of Man, and has been so for almost twenty years. Mr. Pitt, in a speech of his some short time since, said, ‘That there never did, nor never could exist a government established upon those Rights; and that if it began at noon, it would end at night.’ Mr. Pitt is not yet arrived at the degree of a school-boy in this species of knowledge. His practice has been confined to the means of
extorting

extorting revenue, and his boast has been—how much? Whereas the boast of the system of government that I am speaking of, is not how much, but how little.

“ The system of government, purely representative, unmixed with any thing of hereditary nonsense, began in America. I will now compare the effects of that system of government with the system of government in England, both during and since the close of the war.

“ So powerful is the representative system, first, by combining and consolidating all the parts of a country together, however great the extent; and secondly, by admitting of none but men properly qualified into the government, or dismissing them if they prove to be otherwise, that America was enabled thereby totally to defeat and overthrow all the schemes and projects of the hereditary government of England against her. As the establishment of the Revolution and Independence of America is a proof of this fact, it is needless to enlarge upon it.

“ I now come to the comparative effect of the two systems, since the close of the war; and I request Mr. Adams to attend to it.

“ America had internally sustained the average of upwards of seven years of war, which England had not. England sustained only the expence of the war, whereas America sustained not only the expence but the destruction of property committed by both armies. Not a house was built during that period, and many thousands were destroyed. The farms and plantations along the coast of the country, for more than a thousand miles, were laid waste. Her commerce was annihilated. Her ships were either taken or had rotted within her own harbours. The credit of her funds had fallen upwards of ninety per cent. that is, an original hundred pounds would not sell for ten pounds. In fine, she was apparently put back an hundred years when the war closed; which was not the case with England.

“ But such was the event, that the same representative system of government, though since better organized, which enabled her to conquer, enabled her also to recover; and she now presents a more flourishing condition, and a more happy and harmonized society, under that system of government, than any country in the world can boast under any other. Her towns are rebuilt, much better than before; her farms and plantations are in higher improvement than ever; her commerce is spread over the world, and her funds have risen from less than ten pounds the hundred, to upwards of one hundred and twenty.— Mr. Pitt, and his colleagues, talk of things that have happened in his boyish administration, without knowing what greater things have happened elsewhere, and under other systems of government.

“ I next

" I next come to state the expence of the two systems, as they now stand in each of the countries ; but it may first be proper to observe, that government in America is what it ought to be, a matter of honour and trust, and not made a trade of for the purpose of lucre.

" The whole amount of the nett taxes in England (exclusive of the expence of collection, of drawbacks, of seizures and condemnations, of fines and penalties, of fees of office, of litigations, and informers, which are some of the blessed means of enforcing them) is seventeen millions. Of this sum, about nine millions go for the payment of the interest of the national debt, and the remainder, being about eight millions, is for the current annual expences. Thus much for one side of the case. I now come to the other.

" The expence of all the several departments of the general representative government of the United States of America, extending over a space of country nearly ten times larger than England, is two hundred and ninety four thousand five hundred and fifty-eight dollars, which, at 4s. 6d. per dollar, is 66,275l. 11s. sterling, and is thus apportioned:

Expence of the Executive Department.

The Office of the Presidency, at which the President receives nothing for himself	-	-	-	£.5,265	0
Vice President	-	-	-	1,125	0
Chief Justice	-	-	-	900	0
Five associate Justices	-	-	-	3,937	10
Nineteen Judges of Districts and Attorney General	-	-	-	6,873	15

Legislative Department.

Members of Congress, at six dollars (1l. 7s.) per day, their Secretaries, Clerks, Chaplains, Messengers, Door-keepers, &c.	-	-	-	25,515	0
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Treasury Department,

Secretary, Assistant, Comptroller, Auditor, Treasurer, Register, and Loan-Office-keeper, in each State, together with all necessary Clerks, Office-keepers, &c.	-	-	-	12,825	0
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Department of State, including Foreign Affairs.

Secretary, Clerks, &c. &c.	-	-	-	1,406	5
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Department of War.

Secretary, Clerks, Paymaster, Commissioner, &c.	-	-	-	1,462	10
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Commissioners for settling Old Accounts.

The whole Board, Clerks, &c.	-	-	-	2,598	15
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Incidental and Contingent Expences.

For Fire-wood, Stationary, Printing, &c.	-	-	-	4,006	16
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Total - 66,275 11

" On account of the incursions of the Indians on the back settlements, congress is, at this time, obliged to keep six thousand militia in pay, in addition to a regiment of foot, and a battalion of artillery, which it always keeps; and this increases the expence of the war department to 390,000 dollars, which is 87,795*l.* sterling; but when peace shall be concluded with the Indians, the greatest part of this expence will cease, and the total amount of the expence of government, including that of the army, will not amount to one hundred thousand pounds sterling, which, as has been already stated, is but an eightieth part of the expences of the English government.

" I request Mr. Adam and Mr. Dundas, and all those who are talking of constitutions, and blessings, and King and Lords, and the Lord knows what, to look at this statement. Here is a form and system of government, that is better organized and better administered than any government in the world, and that for less than one hundred thousand pounds per annum, and yet every member of congress receives, as a compensation for his time and attendance on public business, one pound seven shillings per day, which is at the rate of nearly five hundred pounds a year.

" This is a government that has nothing to fear. It needs no proclamation to deter people from writing and reading. It needs no political superstition to support it. It was by encouraging discussion, and rendering the press free from all subjects of government, that the principles of government became understood in America, and the people are now enjoying the present blessings under it. You hear of no riots, tumults, and disorders in that country; because there exists no cause to produce them. Those things are never the effect of freedom, but of restraint, oppression, and excessive taxation.

" In America there is not that class of poor and wretched people that are so numerously dispersed all over England, and who are to be told by a proclamation, that they are happy; and this is in a great measure to be accounted for, not by the difference of proclamations, but by the difference of governments and the difference of taxes between that country and this. What the labouring people of that country earn they apply to their own use, and to the education of their children, and do not pay it away in taxes as fast as they earn it, to support court extravagance, and a long enormous list of placemen and pensioners; and besides this, they have learned the manly doctrine of reverencing themselves, and consequently of respecting each other; and they laugh at those imaginary beings called Kings and Lords, and all the fraudulent trumpery of courts.

" When placemen and pensioners, or those who expect to be such, are lavish in the praise of a government, it is not a sign of its being a good one. The pension list alone, in England (See Sir John Sinclair's History of the Revenue, page 6, of the Appendix) is one hundred and seven thousand four hundred and four pounds, which is more than the expence of the whole government of America amounts to. And I am more convinced than before, that the offer that was made to me of a thousand pounds, for the copy-right of the second part of the Rights of Man, together with the remaining copy-right of the first part, was to have affected, by a quick suppression, what is now attempted to be done by prosecution. The connection which the person who made that offer has with the King's printing-office, may furnish part of the means of enquiring into this affair, when the ministry shall please to bring their prosecution to issue. But to return to my subject—

" I have said in the second part of Rights of Man, and I repeat it here, that the service of any man, whether called King, President, Senator, Legislator, or any thing else, cannot be worth more to any country, in the regular routine of office, than ten thousand pounds per annum. We have a better man in America, and more of a gentleman, than any King I ever knew of, who does not occasion even half that expence; for, though the salary is fixed at five thousand two hundred and sixty-five pounds, he does not accept it, and it is only the incidental expences that are paid out of it. The name by which a man is called is, of itself, but an empty thing. It is worth, and character alone which can render him valuable, for without these, Kings and Lords, and Presidents are but jingling names.

" But without troubling myself about constitutions of government, I have shewn, in the second part of Rights of Man, that an alliance may be formed between England, France, and America, and that the expence of government in England may be put back to one million and a half, viz.

Civil expence of government,	-	-	-	£. 500,000
Army,	-	-	-	500,000
Navy,	-	-	-	500,000

1,500,000

And even this sum is fifteen times greater than the expences of government in America; and it is also greater than the whole peace establishment of England amounted to about an hundred years ago. So much has the weight and oppression of taxes encreased since the revolution, and especially since the year 1714.

" To

" To shew that the sum of 500,000*l.* is sufficient to defray all the civil expences of government, I have, in that work, annexed the following estimate for any country of the same extent as England :

" In the first place, three hundred representatives, fairly elected, are sufficient for all the purposes to which legislation can apply, and preferable to a larger number.

" If then an allowance, at the rate of five hundred pounds per annum be made to every representative, deducting for non-attendance, the expence, if the whole number attending six months each year, would be - - - - - *£*.75,000.

" The Official Departments could not possibly exceed the following number, with the salaries annexed, viz.

Three officers,	at 10,000 <i>l.</i> each	-	30,000
Ten ditto,	at 5,000 <i>l.</i> each	-	50,000
Twenty ditto,	at 2,000 <i>l.</i> each	-	40,000
Forty ditto,	at 1,000 <i>l.</i> each	-	40,000
Two hundred ditto,	at 500 <i>l.</i> each	-	100,000
Three hundred ditto,	at 200 <i>l.</i> each	-	60,000
Five hundred ditto,	at 100 <i>l.</i> each	-	50,000
Seven hundred ditto,	at 75 <i>l.</i> each	-	52,500

£.497,500

" If a nation chose, it might deduct four per cent. from all the offices, and make one of twenty thousand pounds per annum, and style the person who should fill it, King, or Majesty, or Majesty, or give him any other title.

" Taking, however, this sum of one million and an half as an abundant supply for all the expences of government under any form whatever, there will remain a surplus of nearly six millions and a half out of the present taxes, after paying the interest of the national debt; and I have shewn, in the second part of Rights of Man, what appears to me the best mode of applying the surplus money; for I am now speaking of expences and savings, and not of systems of government.

" I have, in the first place, estimated the poor-rates at two millions annually, and shewn that the first effectual step would be to abolish the poor-rates entirely (which would be a saving of two millions to the house keepers) and to remit four millions out of the surplus taxes to the poor, to be paid to them in money, in proportion to the number of children in each family, and the number of aged persons.

" I have estimated the number of persons of both sexes in England, of fifty years of age and upwards, at 420,000, and have taken one-third of this number, viz. 140,000 to be poor people.

“ To save long calculations, I have taken 70,000 of them to be upwards of fifty years of age and under sixty, and the other to be sixty years and upwards; and to allow six pounds per annum to the former class, and ten pounds per annum to the latter. The expence of which will be,

Seventy thousand persons at 6l. per annum,	-	420,000
Seventy thousand persons at 10l. per annum,	-	700,000

£. 1,120,000

There will then remain of the four millions 2,880,000l. I have stated two different methods of appropriating this money. The one is to pay it in proportion to the number of children in each family, at the rate of three or four pounds per annum for each child; the other is, to apportion it according to the expence of living in different counties; but in either of these cases it would, together with the allowance to be made to the aged, completely take off taxes from one-third of all the families in England, besides relieving all the other families from the burthen of poor-rates.

“ The whole number of families in England, allotting five souls to each family, is one million four hundred thousand, of which I take one-third, viz. 466,666 to be poor families, who now pay four millions of taxes, and that the poorest pays at least four guineas a year; and that the other thirteen millions are paid by the other two-thirds. The plan, therefore, as stated in the work is, first, to remit or repay, as is already stated, this sum of four millions to the poor, because it is impossible to separate them from the others in the present mode of collecting taxes on articles of consumption; and, secondly, to abolish the poor-rates, the house and window-light tax, and to change the commutation tax into a progressive tax on large estates, the particulars of all which are set forth in the work, and to which I desire Mr. Adam to refer for particulars. I shall here content myself with saying, that to a town of the population of Manchester, it will make a difference in its favour, compared with the present state of things, of upwards of fifty thousand pounds annually, and so in proportion to all other places throughout the nation. This certainty is of more consequence, than that the same sums should be collected to be afterwards spent by riotous and profligate courtiers, and in nightly revels at the Star and Garter Tavern, Pall-Mall.

“ I will conclude this part of my letter with an extract from the second part of Rights of Man, which Mr. Dundas (a man rolling in luxury at the expence of the nation) has branded with the epithet of ‘wicked.’

“ By

“ By the operation of this plan, the poor laws, those instruments of civil torture, will be superseded, and the wasteful expence of litigation prevented. The hearts of the humane will not be shocked by ragged and hungry children, and persons of seventy and eighty years of age begging for bread. The dying poor will not be dragged from place to place, to breathe their last, as a reprisal of parish upon parish. Widows will have a maintenance for their children, and not be carted away, on the death of their husbands, like culprits and criminals, and children will no longer be considered as increasing the distresses of their parents. The haunts of the wretched will be known, because it will be to their advantage, and the number of petty crimes, the offspring of poverty and distress, will be lessened. The poor as well as the rich, will then be interested in the support of government, and the cause and apprehension of riot and tumults will cease.—Ye who sit in ease, and solace yourselves in plenty, and such there are in Turkey and Russia as well as in England, and who say to yourselves, ‘are we not well off?’ Have ye thought of these things? When ye do, ye will cease to speak, and feel for yourselves alone.”—Rights of Man, Part II. p. 136.

“ After this remission of four millions be made, and the poor rates and house and window-light tax be abolished, and the commutation tax changed, there will still remain nearly one million and an half of surplus taxes; and as by an alliance between England, France, and America, armies and navies will, in a great measure be rendered unnecessary; and as men who have either been brought up in, or long habited to, those lines of life, are still citizens of a nation in common with the rest, and have a right to participate in all plans of national benefit, it is stated in that work (Rights of Man, Part II.) to apply annually 507,000*l.* out of the surplus taxes to this purpose in the following manner:

To fifteen thousand disbanded foldiers, at 3 <i>s.</i> per week	
each (clear of deductions) during life,	- - - 117,000
Additional pay to the remaining foldiers, per ann.	- 19,500
To the officers of the disbanded corps, during life, the	
same sum of	- - - 117,000
To fifteen thousand disbanded sailors, 3 <i>s.</i> per week,	
during life,	- - - 117,000
Additional pay to the remaining sailors,	- - 19,500
To officers of the disbanded part of the navy, during	
life,	- - - 117,000

£.507,000
“ The

“ The limits to which it is proper to confine this letter, will not admit of my entering into further particulars. I address it to Mr. Dundas, because he took the lead in the debate, and he wishes, I suppose, to appear conspicuous; but the purport of it is to justify myself from the charge which Mr. Adam has made.

“ This gentleman, as has been observed in the beginning of this letter, considers the writings of Harrington, Moore, and Hume, as justifiable and legal publications, because they reasoned by comparison, though, in so doing, they shewed plans and systems of government, not only different from, but preferable to, that of England; and he accuses me of endeavouring to confuse, instead of producing a system in the room of that which I had reasoned against; whereas the fact is, that I have not only reasoned by comparison of the representative system against the hereditary system, but I have gone further; for I have produced an instance of a government established entirely on the representative system, under which much greater happiness is enjoyed, much fewer taxes required, and much higher credit is established, than under the system of government in England. The funds in England have risen since the war only from 54l. to 97l. and they have been down, since the proclamation, to 87l. whereas the funds in America rose in the mean time from 10l. to 120l. His charge against me ‘ of destroying every principle of subordination,’ is equally as groundless, which even a single paragraph from the work will prove, and which I shall here quote:

“ Formerly, when divisions arose respecting governments, recourse was had to the sword, and a civil war ensued. That savage custom is exploded by the new system, and recourse is had to a national convention. Discussion, and the general will, arbitrates the question, and to this private opinion yields with a good grace, and order is preserved uninterrupted.”—Rights of Man, Part II. p. 173.

Gentlemen, they then read the proceedings of the 13th July, 1792, and I find nothing material in that but that they balloted for the six members of the Constitutional Society, and were unanimous in their election.

Gentlemen, they then produce a paper found at Mr. H. Tooke's house, purporting to be a letter from Mr. Hardy, of the 24th July, 1792, speaking of the progress the society had made, and stating they had got as far as the eleventh and twelfth divisions. I am not aware any thing material is in that.—Mr. Thompson then produced a paper, dated 8th August, 1792, from Mr. Hardy to Mr. H. Tooke, in which he sends him

him a proof copy of the address of the London Corresponding Society.—I don't know whether it means the address mentioned in the letter of the 6th August, but this is dated the 8th. He asks his opinion upon it before it was printed, and whether it was proper a copy should be sent to the Constitutional Society. The next evidence was that of Mr. Thompson; he was asked several questions by Mr. Tooke respecting the finding that paper; he says he went for the purpose of searching for papers—that Mr. Ford attended at the examination, and that Mr. Frost, Mr. Thornton, and Mr. Vaughan, friends of Mr. Tooke, were present, he says, he believes a list of all the papers was taken upon that examination.

Mr. Thornton then produced another paper, found at the house of Mr. H. Tooke, dated 15th September, 1792; it is addressed to Mr. H. Tooke, from Margarot, and is in these words,

“ Mr. Margarot wishes to submit to Mr. Tooke's consideration, whether a plan might not be adopted for obtaining the assent of all the different societies throughout the nation, to an united, but safe declaration; assuring the French, that we entertain the most friendly dispositions, &c. &c. towards them; and that we will, to the utmost of our power, discountenance all hostile attempts, on the part of ministry, should the latter be base enough to forfeit the nation's pledged faith of neutrality. Mr. M. conceives such a measure will prove more useful than a partial, and, perhaps, comparatively speaking, inconsiderable subscription; which, however, would be no ways impeded thereby. A similar declaration would certainly quiet their jealousies with regard to the English, and would encourage them in their arduous struggle, while numbers of well wishers to their cause, who might come forward here with only their signatures to the declaration, would give a most severe check to all open, or even underhanded ministerial attempts.”

Mr. Thornton then produced another paper, dated September, 1792: it is a letter from Mr. Hardy to Mr. H. Tooke, in which he says, he should be glad to know Mr. Tooke's opinion upon the proposition made by Mr. Margarot; he says, “ I think with him, that it would have a good effect, at the same time the subscription to go on as it now does—ten or twenty signatures would have more weight than as many thousand pounds; for ten men might subscribe that sum.” They then read the proceedings of the 28th September, 1792, at which Mr. Tooke was present, and at which a letter was received from the London Corresponding Society proposing this measure of an address; and there is an expression which exactly corresponds with Margarot's letter; which speaks of the ministry
doing

doing any thing in violation of the nation's pledged faith, and a proposal to check them by hostile measures. I believe the letter of Hardy, who was secretary to the London Corresponding Society should be read.

" SIR,

" The London Corresponding Society having taken the resolution of transmitting to the French national convention an address (signed by all the members, or by the different delegates, each stating for how many members he signs) to assure that suffering nation that we sympathize with them in their misfortunes—that we view their exertions with admiration—that we wish to give them all such countenance and support as individuals, unsupported and oppressed themselves, can afford; and that should those in power here dare (in violation to the nation's pledged faith of neutrality, and in opposition to the well-known sentiments of the people at large) to join the German band of despots united against liberty, we disclaim all concurrence therein, and will, to a man, exert every justifiable means for counteracting their machinations against the freedom and happiness of mankind.

" I am ordered by the Committee to acquaint the Society for Constitutional Information therewith, in order to be favoured with their opinion thereon, and in hopes that if they approve the idea, and recommend its adoption to the different societies, the publication of such a respectable number of real names will greatly check the hostile measures which might otherwise be put in execution.

" I am, with great respect, dear Sir,

" London, Sept. 21, 1792.

" Your very humble servant,

" T. HARDY, secretary.

" Resolved, That the secretary express the thanks of this society to the London Corresponding Society, for their communication; and acquaint them that this society do very highly approve of their intention.

" Resolved, That the said letter be read at the next meeting, for the purpose of considering of publishing the same."

Gentlemen, they then read the proceedings of the 5th October, 1792, when the letter from the Corresponding Society was ordered to be printed. Mr. Lauzun then produced a paper, found at Mr. Hardy's, dated the 3d October, being a letter from Adams, notifying that resolution. They then produced another paper, dated the 6th August, 1792, which should have been read in its proper place, before the resolutions of the 8th August. It is pretty long, and the passages relied upon should be read.

" Address

“ Address from the London Corresponding Society to the Inhabitants of Great Britain, on the subject of a Parliamentary Reform.

“ FELLOW CITIZENS,

“ Of every rank and every situation in life, rich, poor, high, or low, we address you all as our brethren, on a subject of the highest importance and most intimately connected with the welfare of every individual who deems liberty a blessing, who partakes in the prosperity of his country, and who wishes to transmit as much of either as he possibly can to posterity.

“ Uninfluenced by party pique or selfish motives—no ways affrighted at the frowns of power—not in the least awed by the evidently hostile preparations of a much alarmed aristocracy, we, the London Corresponding Society, united with a view of obtaining a thorough Parliamentary Reform, anxiously demand your serious and most collected attention to the present vitiated state of the British Government; we entreat you to examine coolly and impartially the numerous abuses that prevail therein, their destructive consequences on the poor, and their evil tendency on all, as also the rapidity with which these abuses encrease, both in number and magnitude.

“ We next submit to your examination an effectual mode of putting a stop to them, and of thereby restoring to our no less boasted than impaired constitution, its pristine vigour and purity; and we thereunto warmly solicit a junction of your efforts with ours.

“ This great end however we believe attainable, solely, by the whole nation deeply impressed with a sense of its wrongs uniting, and as it were with one voice demanding of those to whom for a while it has entrusted its sovereignty—a restoration of Annual-elected Parliaments, unbiassed and unbought elections, and an equal representation of the whole body of the people.

“ Leaving to the enemies of freedom, all violent tumultuous and unconstitutional proceedings, we invite you to peaceful, well regulated, and neighbourly meetings, wherein industrious worthy citizens may, as honest men, as good patriots, in a reasonable and sensible manner, laying aside prejudice, seriously and earnestly take into consideration their rights, and the welfare of the present and succeeding generation.

“ As men can never barter away the rights of their posterity—as encroachments on liberty or property cease not to be grievances from their being customary and of long standing—and as a grievance is not the less felt for being denied by those who cause it—feeling grievances enormous—seeing our liberties encroached upon, and endeavoured to be entirely purloined from

us—as also that our complaints are derided by government, and ourselves unlawfully menaced by those in power, we call upon you all, Britons, to remember your privileges, as such, and to assert your rights as men—to pay all proper regard to your native freedom, and to consider that, being the property of no one man, nor of any set of men, it is highly disgraceful for you to suffer yourselves any longer to be thus enslaved and disposed of as cattle in a fair, as irrational beasts in a market, to the highest bidder.

“ Laying aside all pretensions to originality, we claim no other merit, than that of reconsidering and verifying what has already been urged in our common cause by the Duke of Richmond, Mr. Pitt, and their then honest party, years back, now differing from them, we support with candour and zeal (thereby proving ourselves no courtiers) the banner of truth already displayed against the oppressors of mankind, and we take a pride in acknowledging ourselves a part of that useful class of citizens which placemen, (pensioned with the extorted produce of our daily labour) and proud nobility wallowing in riches, (acquired somehow) affect to treat with a contempt too degrading for human nature to bear, unless reconciled to it by the reflection, that though their inferiors in rank and fortune, we equal them in talents, and excel them in honesty.

“ Still, Friends and Fellow Citizens, possessed of souls far superior to the evil spirit influencing these oppressors, these debasers of mankind, instead of hating, we condemn them, and our motive is not vengeance, but redress.

“ A constitution we are said to possess, we are willing to believe it—if good, it allows redress to a complaining people—if excellent, as many assert, it must naturally point out the means thereof—Let it therefore be publicly and carefully examined—if it is really what it ought to be, it cannot be too well known—if faulty, it cannot be too soon amended—nor can that be done by a more competent judge, than the thus collected sense of the whole nation.

“ It is the right of every individual to be well acquainted with the laws that bind him—but how is the peasant, the mechanic, the manufacturer to obtain that necessary knowledge?—his time fully employed in labouring hard to provide a scanty meal for his family, and in earning wherewith to satisfy the frequent and preremptory demands of surly tax-gatherers—he has no leisure for such intricate political researches; and even was he, by stealing that leisure from his labour or his sleep, to acquire the desired insight, still with spirits depressed by his sufferings, with fears increased by the clamorous threats of the pensioned all-devouring locusts in office, the sore oppressed subject feels the
remedy

remedy to be far out of his reach, and dreads the consequence of being even supposed to know how greatly he is wronged—Such being the forlorn situation of three-fourths of the nation, how are Britons to obtain information and redress? Will the Court, will Ministry afford either? Will Parliament grant them? Will the Nobles or the Clergy ease the people's sufferings? No. Experience tells us, and proclamations confirm it, that the interest and intention of power are combined to keep the nation in torpid ignorance!

“ The only resource then, Friends and Fellow Citizens, will be found in those societies which, instituted with a view to the public good, promote a general instruction of our rights as men, expose the abuses of those in power, and point out the only constitutional, the only effectual means of forwarding a public investigation, and obtaining a complete redress for a people in whose credulous good-nature originated their present difficulties.

“ We will not hurt your feelings by a minute detail of our common grievances, you cannot be ignorant, Friends and Fellow Sufferers, how generally power, place, pension, and title, are the rewards of men whose service to the court have been of the greatest prejudice to the country; you painfully feel the consequences—increased taxes, a great part of which are most vilely squandered—a heavy national debt, begun with a design of forming a powerful and monied court party, continued with nearly the same view, until its present enormous bulk, and from its commencement militating against our liberties—too visibly are the numerous encroachments on our rights, too common the insolence of office, the venality of magistracy, the perversion of the laws, the letting loose the military on every occasion, and those occasions eagerly sought. The subject's complaints derided—the one part of the nation turned into spies and informers against the other—the—but wherefore more? Is here not enough to prove, beyond a doubt, that while we boast the best constitution, the mildest laws, the freest government, we are in fact slaves!

“ Yet, fellow citizens, numerous as are our grievances, and close rivetted as weighty the shackles on our freedom, reform one abuse, and the others will all disappear—if we once regain an annually-elected parliament, and that parliament to be fairly chosen by all, the people will again share in the government of their country; and their then unbought, unbiassed suffrages, must undoubtedly select a majority of honest members, while the very few unsound ones that may accidentally obtain seats, will, from the consideration of their annual dependence on the people, think

it highly adviseable to continue the disguise that procured them their election, and at least wear the mask of honesty—a mask neither at all times necessary, nor at all times worn, in a septennial parliament.

“ Let no man imagine himself unconcerned in the proposed reform—let no one think so meanly of his situation or abilities, as to suppose his coming forward will be of no service to the cause of liberty ! Numbers, union, and perseverance, must in the end be crowned with success, while compared with the small efforts of each individual, associating and thereby countenancing the demand of the nation to be restored to its constitutional rights, how great will appear the advantages resulting therefrom !

“ An Honest Parliament !

“ An Annual Parliament !

“ A Parliament wherein each Individual will have his Representative !

“ Soon then should we see our liberties restored, the press free, the laws simplified, judges unbiassed, juries independent, needless places and pensions retrenched, immoderate salaries reduced, the public better served, taxes diminished, and the necessaries of life more within the reach of the poor, youth better educated, prisons less crowded, old age better provided for, and sumptuous feasts, at the expence of the starving poor, less frequent.

“ Look not upon this, dear countrymen, as an enthusiastic vision, but rather let us together take a calm and reasonable review of such an honest parliament assembled—let us in idea curtail their session unto even the short duration of three months in one year, or sixty-four meetings, for doing the annual business of the nation—still five hundred honest men meeting sixty-four times, with both intention and capacity to serve their country, must do something, must employ their time somehow. Contested elections none, or very few, and soon determined ; party debates, none, the interest of the people being one ; long speeches much diminished, honest men seeking reason, not oratory ; no placemen in the senate, corrupt influence dies away, and with it all tedious, obstinate, ministerial opposition to measures calculated for the public good ; detesting chicanery, oppression, and injustice of every kind, this honest parliament, finding that the laws wanted simplification and arrangement, would set about it, however destructive to their labours might prove to the sordid interest of an ambitious judge, a prostituted counsel, a packed jury, or a vile herd of pettifoggers, trading justices, bailiffs, or runners.

“ Finding that a most extraordinary waste of public money had taken place, under the different pretences of places, pensions, contracts,

contracts, armaments, subsidies, secret service money, &c. our honest and annual parliament would, after narrowly scrutinizing the same, retrench every sum needlessly or wickedly laid out.

“ Recalling to their mind that wise and wholesome provision of the 12th of William III. chap. 2. enacting, that *All resolutions taken in the Privy Council shall be signed by such of the Privy Council as shall advise and consent to the same*: They would call for an immediate renewal of that long suspended law, and by so doing, all destructive secret influence would be rooted up, and the people could then, at all times, discover who were their friends, and who their foes.

“ The people’s parliament, finding that under various pretences grants of common land had been obtained by sundry persons, no ways to the benefit of the community, but very much to the distress of the poor, the same would be soon restored to the public, and the robbed peasant again enabled annually to supply his distressed family with an increased quantity of bread out of the profit arising from the liberty regained, of grazing a cow, two or three sheep, or a brood of geese thereon.

“ With detestation would that parliament view any man enjoying the emoluments of six or seven places, either needless and overpaid, as requiring altogether but one officer, or else their several duties neglected, and the public thereby deprived of that service for which they pay their money.

“ Numerous other reforms would undoubtedly take place, even in the first session of parliament so elected, dependent only on their electors, the people; untorn, therefore, by faction, undivided by party, uncorrupted by ministry, and uninfluenced but by the public good. Every transaction would tend to reform, and a strict œconomy, its natural consequence, might soon enable us to reduce our taxes, and, by the integrity of parliament, that reduction would light upon such objects as best might relieve the poor; this to the people would prove an advantageous and a novel session, and to an honest parliament not a tiresome one.

“ Therefore, Britons, Friends and Fellow Citizens, with hand and heart unite, claim what is your right, persevere and be free, for who shall dare to withstand our just demands;—Oppression, already trembling at the voice of individuals, will shrink away and disappear for ever, when the nation united shall assert its privileges, and demand their restoration.

“ Signed by Order,

“ M. MARGAROT, Chairman,

“ T. HARDY, Secretary.

“ Ordered, That the secretary of this society do transmit
copies

copies of the above to all the societies in the nation, engaged in the same cause.

“ London, 6th August, 1792.”

Gentlemen, this paper has been read to you, and I hope you attended to it particularly, because great stress was laid upon it on the part of the prosecution. It is said you may observe in that paper the first trace of this idea of a National Convention, which should usurp the power of the government of this country. I discover in it something infinitely licentious and libellous upon all the organs of the state, and upon every body that had to do with the executive government; but I cannot say myself, that I do discover any distinct traces of the National Convention, the contrary idea is held out in the terms of the letter; it does seem to me as if taking the whole context together, it would be difficult to collect any thing more from it than very animated and exceptionable language, shewing to the world that grievances exist, and that they are determined to procure a reform of those grievances by procuring a better representation of the people in parliament; to be sure the fair interpretation would be a better representation of the people in the Commons House of Parliament, and in that view of it, however exceptionable it might be in point of language, still that distinct idea can hardly be collected from it. You will judge whether there can be more collected from it than I have stated; great stress was laid upon it, and the true construction of it may be that which is insisted on the part of the prosecution, but of that you will judge.

Gentlemen, the next piece of evidence read, was the proceedings of the 12th October, 1792, of the Constitutional Society, when Mr. Horne Tooke was present. At this meeting there was a letter read from the London Corresponding Society, with an address enclosed to the National Convention of France, and they desire the advice of the Constitutional Society as to the manner of sending and presenting the address to the National Convention of France. Mr. Maclean then produced the original letter and the address of the society; and the Constitutional Society resolved to thank them for it, and they approve of the address, which is a very important piece of evidence, and you will hear it read.

“ Read a letter from the London Corresponding Society, with an inclosed Address to the National Convention of France.

“ SIR,

“ Your favour of the 3d instant, informing us that our proposal for addressing the French National Convention had met with the approbation of the Society for Constitutional Information:

mation: we have enclosed you a copy of the address we have drawn up and mean to send, the society at large having approved of it.

“ Not in the least presuming to propose it for the adoption of your society, ourselves will joyfully throw it aside, and as readily subscribe to any production of yours better calculated to answer the purpose, and less unworthy being presented to so august an assembly.

“ Should no other be produced, we imagine this plain but honest address will be adopted by some other societies, in concurrence with our own, and respecting the manner of signing, of conveying, and of presenting it, your better experienced advice will greatly oblige, Gentlemen,

“ Your very humble servants, for the committee of

“ the London Corresponding Society,

“ MAURICE MARGAROT, Chairman,

“ T. HARDY, Secretary.

“ Thursday, Oct. 11, 1792.

“ FRENCHMEN,

“ While foreign robbers are ravaging your territories, under the specious pretext of justice, cruelty and desolation leading on their van, perfidy with treachery bringing up their rear; yet mercy and friendship impudently held forth to the world as the sole motive of their incursions—the oppressed part of mankind, forgetting, for awhile, their own sufferings, feel only for yours, and with an anxious eye watch the event, fervently supplicating the Almighty Ruler of the Universe to be favourable to your cause, so intimately blended with their own. Frowned upon by an oppressive system of controul, whose gradual but continued incroachments have deprived this nation of nearly all its boasted liberty, and brought us almost to that abject state of slavery from which you have so emerged, five thousand British citizens, indignant, manfully step forth to rescue their country from the opprobrium brought upon it by the supine conduct of those in power; they conceive it to be the duty of Britons to countenance and assist, to the utmost of their power, the champions of human happiness, and to swear to a nation, proceeding on the plan you have adopted, an inviolable friendship; sacred from this day be that friendship between us, and may vengeance to the uttermost overtake the man who, hereafter, shall attempt to cause a rupture.

“ Though we appear so few at present, be assured, Frenchmen, that our number increases daily. It is true, that the stern uplifted arm of authority at present keeps back the timid: that busily circulated impostures, hourly mislead the credulous; and that

that court intimacy with avowed French traitors has some effect on the unwary and on the ambitious; but with certainty we can inform you, friends and freemen, that information makes a rapid progress among us; curiosity has taken possession of the public mind; the conjoint reign of ignorance and despotism passes away; men now ask each other what is freedom, what are our rights; Frenchmen, you are already free, and Britons are preparing to become so. Casting far from us the criminal prejudices artfully inculcated by evil-minded men and wily courtiers, we, instead of natural enemies, at length discover in Frenchmen our fellow citizens of the world, and our brethren by the same Heavenly Father, who created us for the purpose of loving and mutually assisting each other; but not to hate, and to be ever ready to cut each others throats at the command of weak or ambitious kings, and corrupt ministers:—seeking our real enemies, we find them in our bosoms, we feel ourselves inwardly torn by, and ever the victims of, a restless and all-consuming aristocracy, hitherto the bane of every nation under the sun. Wisely have you acted in expelling it from France.

“ Warm as our wishes are for your success, eager as we are to behold Freedom triumphant, and man everywhere restored to the enjoyment of his just rights, a sense of our duty, as orderly citizens, forbids our flying to arms to your assistance; our government has pledged the national faith to remain neutral—in a struggle of liberty against despotism, Britons remain neutral!—O shame! but we have entrusted our King with discretionary powers, we, therefore, must obey—our hands are bound, but our hearts are free, and they are with you.

“ Let German despots act as they please, we shall rejoice at their fall, compassionating, however, their enslaved subjects. We hope this tyranny of their masters will prove the means of re-instating, in the full enjoyment of their rights and liberties, millions of our fellow-creatures.

“ With unconcern, therefore, we view the Elector of Hanover join his troops to traitors and robbers; but the King of Great Britain will do well to remember that this country is not Hanover—should he forget this distinction, we will not.

“ While you enjoy the envied glory of being the unaided defenders of freedom, we fondly anticipate, in idea, the numerous blessings mankind will enjoy. If you succeed, as we ardently wish, the triple alliance (not of crowns, but) of the people of America, France, and Britain, will give freedom to Europe, and peace to the whole world. Dear friends, you combat for the advantage of the human race—how well purchased will be, though at the expence of much blood, the glorious unprecedented privilege of saying mankind is free—tyrants and tyranny

are no more—peace reigns on the earth, and this is the work of Frenchmen.”

Gentlemen, the whole of this paper requires very attentive consideration, indeed, for you here find an appeal to a foreign country, and those who make the address take upon themselves to consider of the interests of our country as intimately blended with the interests of that country in the state in which that country was at that time. Which, to be sure, leads to a very serious observation—It speaks of the lawful controuls of this country as oppressive, and as that which the people of this country have bound upon them; it speaks of Frenchmen becoming free, and Britons preparing to become so; it speaks of the aristocracy of the country in a manner which has a pretty plain allusion to all orders of the state, it says, “Seeking our real enemies we find them in our bosoms; we feel ourselves inwardly torn by, and ever the victims of a restless and all consuming aristocracy.” It asserts, that an aristocracy is the bane of every nation under the sun; and it declares that France has done wisely in expelling an aristocracy; it alludes more guardedly to the King; but there is an allusion, and a dangerous one “the King of Great Britain,” it says, “will do well to remember that this country is not Hanover—should he forget this distinction, we will not.” It speaks of the success of the French contest in very extraordinary terms, it says, “If you succeed, as we ardently wish, the triple alliance (not of crowns, but) of the people of America, France, and Britain, will give freedom to Europe, and peace to the whole world.”

Gentlemen, that is going a good way towards saying that the effect of the success of the contest in France would be to produce an alliance of the nations of France and England, independant of a crown, and without a crown. How far these observations are just in themselves, or how far they lead to open the views of those who presented this address, is matter of general observation, and for your consideration upon the whole of the evidence taken together. I thought it necessary to point out to you the particular passages which must certainly strike you upon reading the address. I shall have occasion hereafter to observe a little more particularly upon it.

Gentlemen, they then read the proceedings of the 19th Oct. when Mr. Horne Tooke was in the chair, and when there was a committee appointed to confer with the delegates of the London Corresponding Society on the address.

On the 26th of October, Mr. Horne Tooke being present, and you will recollect he was in the chair upon the former occasion, the report was re-committed, and it was resolved, at the next meeting they would consider of an answer to the London

Corresponding Society, on the subject of the letter, and that they would also consider of an address to the National Convention of France.

Gentlemen, on the 2d of November, 1792, Mr. Tooke being present, a committee was appointed to prepare an address, but Mr. Tooke was not of that committee. Upon the 9th of November, 1792, Mr. H. Tooke being present, the address was produced and was read. Messrs. Barlow and Frost being present, they were desired to present this address, and were thanked for having accepted the trust. The proceedings were signed by the chairman, Lord Semple. You will read that address.

“ The committee appointed at the last meeting to prepare an address from this society to the National Convention of France made their report, and produced the following address; which was read and approved.

“ The Society for Constitutional Information, in London, to the National Convention in France.

“ *Servants of a Sovereign People, and Benefactors of Mankind,*

“ We rejoice that your revolution is arrived at that point of perfection which will permit us to address you by this title; it is the only one that can accord with the character of true legislators. Every successive epoch in your affairs has added something to the triumphs of liberty: and the glorious victory of the 10th of August has finally prepared the way for a constitution, which we trust you will establish on the basis of reason and nature.

“ Considering the mass of delusion accumulated on mankind, to obscure their understandings, you cannot be astonished at the opposition you have met both from tyrants and from slaves.— The instrument used against you by each of these classes is the same; for, in the genealogy of human miseries, ignorance is at once the parent of oppression, and the child of submission.

“ The events of every day are proving that your cause is cherished by the people in all your continental vicinity; that a majority of each of those nations are your real friends, whose governments have tutored them into apparent foes, and that they only wait to be delivered by your arms from the dreaded necessity of fighting against them.

“ The condition of Englishmen is less to be deplored; here the hand of oppression has not yet ventured completely to ravish the pen from us, nor openly to point the sword at you. From bosoms burning with ardour in your cause, we tender you our warmest wishes for the full extent of its progress and success.— It is, indeed, a sacred cause; we cherish it as the pledge of your happiness, our natural and nearest friends, and we rely upon it

as

as the bond of paternal union to the human race, in which union our own nation will surely be one of the first to concur.

“ Our government has still the power, and perhaps the inclination, to employ hirelings to contradict us ; but it is our real opinion that we now speak the sentiments of a great majority of the English nation. The people here are wearied with imposture, and worn out with war. They have learned to reflect, that both the one and the other are the offspring of unnatural combinations in society, as relative to systems of government, not the result of the natural temper of nations as relative to each other's position.

“ Go on, legislators, in the work of human happiness. The benefits will in part be ours, but the glory shall be all your own ; it is the reward of your perseverance ; it is the prize of virtue.— The sparks of liberty preserved in England for ages, like the coruscations of the northern Aurora, served but to shew the darkness visible in the rest of Europe. The lustre of the American Republic, like an effulgent morning, arose with increasing vigour, but still too distant to enlighten our hemisphere, till the splendor of the French Revolution burst forth upon the nations in the full fervour of a meridian sun, and displayed, in the midst of the European world the practical result of principles, which philosophy had sought in the shade of speculation, and which experience must everywhere confirm. It dispels the clouds of prejudice from all people, reveals the secrets of all despotism, and creates a new character in man.

“ In this career of improvement your example will be soon followed ; for nations, rising from their lethargy, will reclaim the rights of man with a voice which man cannot resist.

“ Signed by order of the society,

“ SEMPLE, Chairman,

“ DANIEL ADAMS, Secretary.

“ Resolved, That the thanks of this society be given to the committee who prepared the above address.

“ Resolved, That Mr. Barlow and Mr. Frost, be deputed by this society to present the address of this society at the bar of the National Convention of France.

“ Resolved, That the thanks of this society be given to Mr. Barlow and Mr. Frost, for accepting the above deputation.”

Gentlemen, this paper is also very much relied upon, but I don't think it so easy to point out particular passages from whence strong observations will arise ; they speak of the glorious 10th of August. As to what application that may have to the affairs of France, to be sure we have nothing to do with it, and they have no direct application to any consequences that were to follow here. There is a good deal of acrimony expressed as

to the state of this country; but a great deal of observation, with respect to the effect that a revolution in France was to have upon this country, hardly arises upon that expression of acrimony. The concluding part is most material, and has the most direct reference to that effect; it is in these words, "The lustre of the American republic, like an effulgent morning arose with encreasing vigour, but still too distant to enlighten our hemisphere, till the splendour of the French Revolution burst forth upon the nations in the full fervor of a meridian sun; and displayed, in the midst of an European world, the practical result of principles which philosophy had sought in the shade of speculation, and which experience must everywhere confirm."

Gentlemen, to be sure that is a general approbation of the practical result of principles which had produced a revolution in France, and which this address supposes that experience would confirm everywhere as well as in France; it says it dispels the clouds of prejudice from all people, reveals the secrets of all despotism, and creates a new character in man." Those are expressions certainly large enough to comprehend their own country as well as every other country in the neighbourhood of France. It goes on to say, "In this career of improvement your example will be soon followed, for nations rising from their lethargy will reclaim the rights of man with a voice which man cannot resist." That you see is generally going to all nations, and if it has any reference to this nation among other nations, to be sure it is a paper that deserves very serious consideration, as a declaration of principles upon which the fate of this country might turn as well as the fate of France.

Gentlemen, the next piece of evidence is a paper found upon Mr. Adams, dated from Paris, the 29th of November, 1792.—I take it to be a letter from Barlow and Frost to the Constitutional Society, informing them of what had passed upon the presenting of those addresses. Both those papers will be read to you, and one of them appears to be extremely material for your consideration.

"Dated Paris, 29th November, 1792, signed Joel Barlow and John Frost, to the Society for Constitutional Information, in London.

"Citizens and Associates,

"We have executed your commission to the National Convention at France, in a manner which we hope will meet your approbation. A translation of the papers, herein enclosed, were yesterday presented at the Bar of the National Convention, and received with universal applause; after which the president gave us the kiss of fraternity in behalf of the French nation,

nation, which we returned on behalf of our societies. The scene drew tears from a crowded assembly, it was the reconciliation of brothers who had long been excited to mortal enmity by misunderstanding and mutual imposition, the wound that had bled for ages was closed and forgot, and, by the voice of nature, declared it should never more be opened. The president pronounced a discourse in answer, which we likewise enclose."

Gentlemen, then follows the address of Mr. Barlow and Mr. Frost.

"CITIZENS OF FRANCE,

"We are deputed from the Society for Constitutional Information, in London, to present to you their congratulations upon the triumphs of liberty. This society had laboured long in the cause with little prospect of success, previous to the commencement of your revolution, conceive then their exultations and gratitude, when, by the astonishing efforts of your nation, they behold the reign of reason acquiring an extension and solidity which promise to reward the labour of all good men, by securing the happiness of their fellow creatures. Innumerable societies, of a similar nature, are now forming in every part of England, Scotland, and Ireland. They excite a spirit of universal enquiry into the complicated abuses of government, and the simple means of a reform. After the example France has given, the science of revolutions will be rendered easy, and the progress of reason will be rapid. It would not be strange, if in a period far short of what we shall venture to predict, addresses of felicitation should cross the seas to a National Convention in England."

Here follows the address.

"We are also commissioned to inform the convention, that the society which we represent, has sent to the soldiers of liberty a patriotic donation of 1000 pair of shoes, which are, by this time arrived at Calais, and the society will continue sending 1000 pair a week, for at least six weeks to come, we only wish to know to whose care they ought to be addressed."

Gentlemen, the President's answer will be now read.

"Brave children of a nation which has given lustre to the two worlds, and great examples to the universe. You have addressed us with something more than good wishes, since the condition of our warriors has excited your solicitude. The defenders of our liberty will one day be the supporters of your own. You command our esteem, you will accept our gratitude, the sons of liberty throughout the world, will never forget their obligations to the English nation. The shades of Pym, of Hampden, and of Sydney, are hovering over your heads, and the period cannot be far distant, when the people of France will offer their congratulations

tulations to a National Convention, in England. Too long has the torch of discord flamed between the English and French, while the ambition of King's, fomenting natural aversions, compel them to forget that nature has produced none but brothers.—Your island, it is said, was severed from the continent by a great convulsion of the globe, but liberty established on the two shores of the narrow sea which divides us, will repair the breach, and restore the two nations to that harmony and friendship for which nature has designed them. Reason has begun her majestic march; she can no longer be resisted in her course.

“Generous republicans, your appearance in this place will form an epoch in the history of mankind. History will consecrate the day, when, from a nation long regarded as a rival, and in the name of a great number of your fellow citizens, you appeared in the midst of the representatives of the people in France, and she will not forget to record, that our hearts expanded at the sight. Tell the society which deputed you, and assure your fellow citizens in general, that in your friends the French you have found men.”

Gentlemen, on the part of the prosecution they consider the language in which this address was presented to the National Convention of France, and the President's answer, as an exposition of the address itself, and as a comment upon it, and pointing out what was meant to be expressed by it, whether they are right in so stating it, is for your judgment; to be sure they had a fair ground so to state it with respect to the expressions of the president of the National Convention; but I don't think myself much prejudice ought to arise against those who presented it, from the language they thought fit to hold, because the policy of a nation, wishing to receive such addresses as those were, might dictate to them language which went beyond the sentiments expressed in the address, and it can hardly be attributed to those persons who framed the address; but the language of those who presented it, is quite of another nature, and has a much closer application to the sentiments conveyed in the address itself. With respect to that language, without making any particular observation, I will only restate the words that are most material, it says—“After the example which France has given, the science of revolutions will be rendered easy, and the progress of reason will be rapid. It would not be strange if in a period far short of what we shall venture to predict addresses of felicitation should cross the seas to a National Convention in England.”—This, I think, may be fairly observed upon the language, that the National Convention, which the author of that sentiment referred to, could not possibly mean a convention of delegates for the purpose of reforming that branch of the constitution, the
Commons'

Commons' House of Parliament, and I shall, at present make no other comment upon it than that.

Gentlemen, the next piece of evidence is a paper found at Mr. Horne Tooke's house, produced by Mr. Thornton, it is a French paper, and there is a translation of it, but it has no date, it is a letter to the President of the National Convention, making an offer of 4,000 livres to be applied to the war; and there is a particular expression in that letter which may be factious, but does not seem to point directly to the object of the present enquiry, it is, that this is to be applied to enable them to carry on the war against all despots, even if it should be of the country of Mr. Horne Tooke, who sent the letter. I am not aware that there is any thing more material in that letter, if there is it may be read.

Gentlemen, they then produce a draft of a letter to Petion, which was found in Mr. Horne Tooke's house, and which was proved to be in Mr. Horne Tooke's hand-writing, and also the answer to that letter. The letter respects supplies that were to be sent for the use of the French army, and in what manner they might be most safely conveyed. There is one expression upon which observations arise, it does not strike me there is more than one, if there is, it may be pointed out. It speaks of being of use to the common cause of England and France, and to be sure it is a little difficult to understand how England and France, considering the situation in which France then was, should have had a common cause.

Gentlemen, the next piece of evidence is the proceedings of the Constitutional Society, upon the 14th of December, 1792, when Mr. Horne Tooke was in the chair, and when there was received a letter from the Friends of Liberty and Equality at Laone, and that letter is produced, being found upon Mr. Adams; there was also a letter of the 21st of December, 1792, when Mr. Horne Tooke was present, from another place in France, called Macone, and upon that occasion Mr. Horne Tooke, and some others, were appointed a committee of foreign correspondence, and those letters were referred to them; and they were ordered to keep a separate book of their correspondence, that letter was also produced, and if it is thought material, those letters may be read; it does not appear to me there were any answers sent to them, it does not strike me any material observations will arise upon them—If the Attorney General wishes them to be read they shall be read.

Mr. Solicitor General. My Lord, we entirely submit to your Lordship's discretion. The Attorney General is obliged to be absent, and leaves it to me to say, your Lordship will be pleased to use your own judgment.

Lord

Lord President. Gentlemen, the next piece of evidence was the proceedings of the 5th of October, 1792, when a letter from Joel Barlow was read, speaking of a letter written to the Convention on the subject of the then constitution of France, and there is a copy of that letter sent to the Constitutional Society, in which there are some expressions that may deserve your consideration, therefore, you will hear it read.

“ GENTLEMEN,

“ I have just published a small treatise, in a letter to the National Convention of France, on the defects of the constitution of 1791, and the extent of the amendments which ought to be applied. Although the observations contained in this are more particularly to be applied to the French nation, yet as the true principles of government are the same in all countries, being founded on the Rights of Man, which are universal and imperishable, I conceive the purpose of this cannot be foreign to the great interests of your association, of which you have done me the favour to make me an honorary member. I, therefore, present a copy of it to you, with the same confidence I have done to the National Convention; a confidence arising from a full conviction that the work is founded on truth and reason, although these principles seem not so immediately reducible to practice in the government of this country, as in that of France; yet the examination of them can never be unreasonable to any nation. A great revolution in the affairs of the nation is doubtless soon to be expected throughout all Europe, towards the attainment of which, is the wish of your friend and adopted brother.

“ JOEL BARLOW.”

Gentlemen, the next evidence was the letter from Mr. Barlow to the National Convention, which you will hear read.

“ A letter to the National Convention of France, on the defects of the Constitution of 1791; and the extent of the amendments which ought to be applied, by Joel Barlow, author of “ Advice to the Privileged Orders—The Vision of Columbus—and the Conspiracy of Kings.

“ GENTLEMEN,

(P. 3.) “ The time is at last arrived, when the people of France, by resorting to their own proper dignity, feel themselves at liberty to exercise their unembarrassed reason, in establishing an equal government. The present crisis in your affairs, marked by the assembling of a National Convention, bears nearly the same relation to the last four years of your history as your whole revolution bears to the great accumulated mass of modern improvement. Compared, therefore, with all that is past, it is, perhaps,

perhaps, the most interesting portion of the most important period that Europe has hitherto seen.

“ Under this impression, and with the deepest sense of the magnitude of the subject which engages your attention, I take a liberty, which no slight motives could warrant in a stranger, the liberty of offering a few observations on the business that lies before you. Could I suppose, however, that any apology were necessary for this intrusion, I should not rely upon the one here mentioned. But my intentions require no apology; I demand to be heard as a right. Your cause is that of human nature at large; you are the representatives of mankind; and though I am not literally one of your constituents, yet I must be bound by your decrees. My happiness will be seriously affected by your deliberations; and in them I have an interest which nothing can destroy. I not only consider all mankind as forming but one great family, and, therefore, bound by a natural sympathy to regard each other's happiness as making part of their own; but I contemplate the French nation at this moment as standing in the place of the whole. You have stepped forward with gigantic stride to an enterprize which involves the interests of every surrounding nation; and what you began as justice to yourselves, you are called upon to finish as a duty to the human race.

“ I believe no man cherishes a greater veneration, than I have uniformly done, for the National Assembly who framed that Constitution, which I now presume your constituents expect you to revise. Perhaps the merits of that body of men will never be properly appreciated. The greatest part of their exertions were necessarily spent on objects which cannot be described; and which from their nature can make no figure in history. The enormous weight of abuses they had to overturn, the quantity of prejudice with which their functions called them to contend, as well in their own minds as in those of all the European world, the open opposition of interests, the secret weapons of corruption, and the unbridled fury of despairing faction—these are subjects which escape our common observation, when we contemplate the labours of that assembly. But the legacy they have left to their country, in their deliberative capacity, will remain a lasting monument to their praise; and though, while searching out the defective parts of their work, without losing sight of the difficulties under which it was formed, we may find more occasion to admire its wisdom than to murmur at its faults; yet this consideration ought not to deter us from the attempt.

“ The great leading principle, on which their constitution was meant to be founded, is the equality of rights. This principle being laid down with such clearness, and asserted with so much dignity in the beginning of the code, it is strange that men of

clear understandings should fail to be charmed with the beauty of the system which nature must have taught them to build on that foundation. It shows a disposition to counteract the analogy of nature, to see them at one moment impressing this indelible principle on our minds, and with the next breath declaring, That France shall remain a monarchy—that it shall have a king, hereditary, inviolable, clothed with all the executive, and much of the legislative power, commander in chief of all the national force by land and sea, having the initiative of war, and the power of concluding peace; and above all, to hear them declare that, “The nation will provide for the splendour of the throne,”—granting in their legislative capacity to that throne more than a million sterling a year, from the national purse, besides the rents of estates which are said to amount to half as much more.

“We must be astonished at a paradoxical organization of the minds of men who could see no discordance in these ideas. They begin with the open simplicity of a rational republic, and immediately plunge into all the labyrinths of royalty; and a great part of the constitutional code is a practical attempt to reconcile these two discordant theories. It is a perpetual conflict between principle and precedent—between the manly truths of nature, which we all must feel, and the learned subtleties of statesmen, about which we have been taught to reason.

“In reviewing the history of human opinions, it is an unpleasant consideration to remark how slow the mind has always been in seizing the most interesting truths; although, when discovered, they appear to have been the most obvious. This remark is no where verified with more circumstances of regret, than in the progress of your ideas in France relative to the inutilty of the kingly office. It was not enough that you took your first stand upon the high ground of natural right; where, enlightened by the sun of reason, you might have seen the clouds of prejudice roll far beneath your feet—it was not enough that you began by considering royalty, with its well-known scourges, as being the cause of all your evils; that the kings of modern Europe are the authors of war and misery, that their mutual intercourse is a commerce of human slaughter; that public debts and private oppressions, with all the degrading vices that tarnish the face of nature, had their origin in that species of government which offers a premium for wickedness, and teaches the few to trample on the many; it was not enough that you saw the means of a regeneration of mankind in the system of equal rights, and that in a wealthy and powerful nation you possessed the advantage of reducing that system to immediate practice, as an example to the world, and a consolation to human nature. All these arguments, with a variety of others which

which your republican orators placed in the strongest point of light, were insufficient to raise the public mind to a proper view of the subject.

“ It seems that some of your own philosophers had previously taught, that royalty was necessary to a great nation. Montequieu, among his whimsical maxims about laws and government, had informed the world that a limited monarchy was the best possible system, and that a democracy could never flourish but in a small tract of country. How many of your legislators believed in this doctrine, how many acted from temporising motives, wishing to banish royalty by slow degrees, and how many were led by principles less pardonable than either, it is impossible to determine. Certain it is, that republican ideas gained no ground upon the monarchical in your constituting assembly, during the last six months of their deliberations. It is likewise certain that the majority of that assembly took much pains to prevent the people from discovering the cheat of royalty, and to continue their ancient veneration, at least for awhile, in favour of certain principles in government which reason could not approve.

“ It is remarkable, that all the perfidy of your King, at the time of his flight, should have had so little effect in opening the eyes of so enlightened a people as the French. His flight, and the insulting declaration which he left behind him, were sufficient not only to give the lie to the fiction, with which common sense has always been put to the blush, and to which your assembly had attempted to give a sanction; *that Kings can do no wrong*, but they were sufficient to show, at least to all who would open their eyes, that the business of government required no such officer. There is no period during your revolution, if there is any to be found in the history of France, when business went on with more alacrity and good order, than during the suspension of the royal functions, in the interval from the time that the King was brought back to the capital, in June, till the completion of the constitution in September. Every thing went right in the kingdom, except within the walls of the assembly. A majority of that body was determined to make an experiment of a limited monarchy. The experiment has been made. Its duration has indeed been short, being less than eleven months; but, although in some respects it has been almost as fatal to the cause of liberty as any system could have been within the time, yet in other respects it has done more good than all the reasonings of all the philosophers of the age could have done in a much longer time: it has taught them a new doctrine, which no experience can shake, and which reason must confirm, that Kings can do no good.”

(P. 14.) "Among the probable evils resulting from the kingly office, the principal one, and indeed the only one that need to be mentioned, is the chance of its being held by a weak or a wicked man. When the office is hereditary, it is scarcely to be expected but that it should always be the case. Considering the birth and education of princes, the chance of finding one with practical common sense is hardly to be reckoned among possible events; nor is the probability less strong against their having virtue. The temptations to wickedness, arising from their situation, are too powerful to be resisted. The persuasive arts of all their flatterers, the companions of their youth, the ministers of their pleasures, and every person with whom they ever converse, are necessarily employed to induce them to encrease their revenue, by oppressing the people whom they are taught from their cradle to consider as beasts of burthen. And what must almost insure the triumph of wickedness in their tempers, is the idea that they act totally and for ever without restraint. This is an allurements to vice that even men of sense could scarcely resist. Impress it on the mind of any man that he can do no wrong, and he will soon convince you of your mistake.

"Take this general summary of the evils arising from hereditary monarchy, under any restrictions that can be proposed, and place it on one side of the account—and state, on the other side the truth, which, I believe, no man of reflection will hereafter call in question, that Kings can do no good, and the friends of liberty will no longer be in doubt which way you will decide the question relative to that part of your constitution."

(P. 22.) "But it is said, I am too late with all these observations on the necessity of proscribing royalty from your constitution. The cause is already judged in the minds of the whole people of France; and their wishes will surely be the rule of your conduct. I suppose that, without being reminded of your duty by a stranger, one of your first resolutions would be, to fix a national anathema on every vestige of regal power, and endeavour to wipe out from the human character the stain which it received, with its veneration for Kings and hereditary claims.—But it requires much reflection to be well aware to what extent this duty should carry you. There are many vices in your constitution, which, though not apparently connected with the King, had their origin in regal ideas. To purify the whole code from these vices, and to purge human nature from their effects, it will be necessary to resort to many principles which appear not to have struck the minds of the first assembly.

"You will permit me to hint at some of the great outlines of what may be expected from you, under the peculiar advantages with which you meet to form a glorious republic. Although
many

many of my ideas may be perfectly superfluous, being the same as will occur to every member of your body, yet it is possible that some of them may strike the mind in a new point of light, and lead to reflections which would not rise from any other quarter. Should this be the case in the smallest degree, it ought to be considered, both by you and me, as an ample reward for our pains, in writing and in reading this letter.

“ On considering the subject of government, when the mind is once set loose from the shackles of royalty, it finds itself in a new world. It rises to a more extensive view of every circumstance of the social state. Human nature assumes a new and more elevated shape, and displays many moral features, which, from having been always disguised, were not known to exist.”

Gentlemen, upon the 12th October, 1792, there was a meeting of the Constitutional Society, when Mr. H. Tooke was present, and Mr. Barlow's letter was read; it was resolved, that Mr. Sturch be requested to draw up an answer to Mr. Barlow, expressing how much pride the society feels at having elected him an honorary member.

Upon the 19th October, 1792, there was another meeting, at which Mr. H. Tooke was in the chair, and the answer to Mr. Joel Barlow's letter was read and approved of, and the answer was entered,—that must be read.

“ SIR,

“ Your manly and energetic address to the national convention, the Society for Constitutional Information read at their last meeting, they cannot hesitate to return you their unanimous thanks for so valuable a present, and to express, in the warmest terms, their hearty approbation of its spirit and tendency.

“ Your little treatise, by exhibiting the most important political truths, in a new and striking point of view, is, in their opinion, happily calculated to inform the enquiring mind, and inspire an ardent and enlightened zeal for the happiness of mankind; in this opinion, no doubt the public voice will concur, when the pamphlet shall have obtained that general circulation to which its merit entitles it. It is with reason, you think the subject of that book not foreign to the object of the society, which has been to lead our countrymen to think for themselves on the momentous subject of government, and thus to produce a universal and practical conviction of one great truth—that without a real representation of the people, frequently renewed, there can be no effectual check to that system of corruption by which the public treasury is squandered, no security for that personal liberty we should enjoy, nor any rational hope that government will be conducted with a view to its only proper object,

object, the happiness of the many, and not the interest of the few.

“The society observe, with heart-felt satisfaction, that in the present great crisis of human affairs, while some writers are found who openly proclaim what they call the cause of Kings, in opposition to the cause of the people, whom they impudently term the swinish multitude; there are not wanting on the other hand, men of the first character and ability, who nobly vindicate the rights of man; and they trust, that your excellent writings in general, and your letter to the national convention in particular, will be eminently conducive to the success and the final triumph of that cause, which you so justly stile the most glorious that ever engaged the attention of mankind.”

Gentlemen, that closes the correspondence between Mr. Barlow and the London Corresponding Society, and it will be proper just to point out to you, what use is made of it upon the part of the prosecution: Mr. Joel Barlow writes a letter to the national convention, upon the subject of their having retained, in the constitution they had settled, the kingly office, and he is of an opinion the reverse of that, and endeavours to convince them that the kingly office ought not to remain in the constitution;—he transmitted this letter to the London Corresponding Society, and to the Constitutional Society, and points it out to them as a measure, which though not so immediately reduceable to practice in England as in France, yet it would not be foreign to the objects of that society, and goes on to state that great revolutions are to be expected; therefore, as far as the sentiments of Mr. Barlow, from his book and letter can be collected, certainly it is to be collected, that Mr. Barlow thought the letter would have an application in this country, with a view to a revolution to be expected here. It is undoubtedly true, Mr. Barlow's sentiments are not to be imputed to any body here, merely from the circumstance of his having thought fit to communicate them; therefore the true bearing is to see how Mr. Barlow's letter is received, and what conclusions arise from the manner of its being received. They receive it in the Constitutional Society, and they immediately vote the pride they have in having elected him an honorary member of that society, which he had been before:—they then draw up a formal answer to Mr. Joel Barlow, and to be sure the terms of that answer deserve some notice, and afford some observation, because the answer, after thanking him very warmly for the work, and approving of its spirit and tendency, in which he goes beyond the immediate application of it to the affairs of France; they go on thus, “It is with reason that you think the subject
of

of your book not foreign to the great object of the society, which has invariably been to lead your countrymen to think for themselves on the momentous subject of government, and thus to produce an universal and practical conviction of the great truth, that without the real representation of the people, frequently renewed, there can be no effectual check to that system of corruption which exists, or any rational hope that the government will be conducted with a view to its own proper object, the happiness of many, and not the interests of a few."

Now, Gentlemen, the question is, whether the observation made upon this passage is a just one, that they acknowledge that this letter of Barlow's, recommending the taking of monarchy out of the constitution of France, had a material connection with their object—their object being to inform the people upon the subject of government—what is the tendency of such a declaration, and whether the explanation that afterwards follows is a fair one, and can be reconciled to the whole context, namely, that they desire the subjects should think for themselves on the momentous subject of government, thus to produce an universal and practical conviction of the great truth, that without a real representation of the people, frequently renewed, there can be no effectual check to that system of corruption which exists:—whether his approbation leads to that conclusion, for unless you can understand it to mean a real representation of the people, without a monarchy—the question is, whether that construction put upon it is justly put upon it or no? or whether the whole of this correspondence means no more than thanking him for a book in which the subject of government is discussed, with a view to impress the minds of the people with the necessity of an effectual representation in the Commons' House of Parliament?

Gentlemen, there are in the account-book some charges made by Adams for publishing this letter of Barlow, and the thanks of the society. Mr. Maclean then produced a paper found at Mr. Adams's, which is a letter to Adams from Sheffield, which is dated 16th October, 1792, signed the Editors of the Patriot—it is a very long letter, which complains of no answer having been sent, when they applied to the Constitutional Society before, and it goes into a very long detail of the properest methods to be used for what they call enlightening the minds of the people, and proposes that Reason should be the Generalissimo, but that reason should be assisted by art, which seems to me to be explained thus—namely, by finding proper persons in the towns, who should go round to the villages and instil into the minds of the people those principles which it was fit should be inculcated in them;

them; and there is a long detail of the method in which an ignorant farmer might be influenced; in which a tradesman might be influenced; and in which any countryman might have his mind enlightened. I don't think it is quite necessary to do more than to state so much of that letter, and to remark upon it, that undoubtedly this sort of industry must have a great effect upon the minds of the people, and must have the effect of being capable of doing a great deal of good or a great deal of harm, according to the subject matter of those instructions, which those persons were to have instilled into them, in the manner pointed out by the Editor of the Patriot.

Gentlemen, upon the 9th November, at a meeting of the Constitutional Society, Mr. H. Tooke being present, a letter by way of answer to this letter from the Editors of the Patriot was agreed upon. This letter was produced by Mr. Maclean, being found at Mr. Adams's, and is proved by Mr. Woodfall to have some words in it interlined in Mr. H. Tooke's handwriting. There are several passages in it upon which a good deal of observation has arisen, and one to which you are desired on the part of the prosecution to attend to, is this—"Freedom, though an infant, makes Herculean efforts, and those vipers, monarchy and aristocracy are panting and writhing under its grasp. May success, peace, and happiness attend its efforts!" These words need no comment, but the date may perhaps be fit for you to attend to—this letter comes from the Society for Constitutional Information, and it is a letter in which Mr. H. Tooke is proved to have had a connection, having interlined several words in it very soon after that letter from the national convention of France, in which monarchy and aristocracy is treated of respecting this country.

Gentlemen, the next paper which was read was produced by Lauzun, found upon Mr. Hardy; it is a letter from Stockport, received the 17th September, 1792,—that letter and answer will be necessary to be read.

"DEAR SIR,

"In obedience to the wishes of the society here, I have the pleasure of acknowledging the honour of your letter, and the packet which the kindness of our brothers of the London Corresponding Society so opportunely presented us with.

"It is doubly deserving our thanks, as it shews your kindness, and as it will be useful in the formation of our infant society, we stand much in need of your experience in this particular, and we doubt not of your best assistance. We are surrounded by a majority, a formidable one indeed in power, abilities, and numbers, but we are not dismayed.

"We

" We have carefully perused the addresses, and I am to observe, on their contents in general, that the sentiments hardly arise to that height which we expect from men sensible of their full claims to absolute and uncontrollable liberty (i. e.) unaccountable to any power which they have not immediately constituted and appointed.

" These are our sentiments whatever may be your's, though in the present state of political knowledge it may be prudent not to avow them openly: we desire your sentiments on the means of accomplishing that object which we presume you have in view in common with us; we think it expedient that we should perfectly understand each other in the beginning, lest the appearance of disunion might furnish matter of triumph to our enemies; we observe one expression, which says, " Numerous other reforms will undoubtedly take place, &c. &c." But we ask how is that parliament to be chosen? Can we expect it from the present order of things? Would not all the evil be done away at once by the people assembled in convention? Does it appear probable that the odious laws which we complain of will be abolished any other way? Can the grievances arising from aristocracy be redressed while the ——— retains its present authority in the legislature? Is the universal right of conscience ever to be attained while the B ——— maintain their seats on the ———? Your thoughts on these important points we most earnestly desire may be transmitted to us as soon as possible; not directed as the last—we fear it will excite suspicion. Direct to Mr. Joseph Heamer, Petty Carr, Stockport, who is chairman occasionally in the absence of N. Hibbert, who resides too far from hence to be at hand on emergencies.

" Your's, &c.

" P. W. FROST."

Now, Gentlemen, follows the Answer:

" *Mr. Joseph Heamer, Sir,*

" With infinite satisfaction the London Corresponding Society's committee perused your letter; they are happy to learn your steady determination, spite of all obstacles, to pursue that sole means of political felicity, a perfect representation of the people.

" With regard to our publications, our sentiments are expressed in as strong terms as prudence will permit, yet plain enough we imagine to convince the public, that while we expect every thing from an honest and an annual parliament, nothing short of such a senate, chosen by the whole nation, will satisfy us.

" True generosity, the characteristic of this nation, and of all unperverted men throughout the globe, calling upon us to countenance at this juncture the arduous struggle of the French

nation against despotism and aristocracy, those foes to the human race, we have resolved upon addressing the French national convention

“ Without entering into the probable effects of such a measure, effects which your society will not fail to discover, we invite you to join us, and to that end herewith you have a copy of our intended address; if you approve the idea, and will concur in sending it, be pleased to return us, without delay, a copy, signed by your president and secretary, or by the delegates, stating each for how many persons he signs; we will then associate your body with our's, and with some others who have already assented to the measure. If on the contrary you disapprove that mark of zeal towards the only nation that has hitherto undertaken to restore to mankind its just rights, please to communicate to us your objections.

“ I am Sir, for the Committee of Delegates,

“ Yours, &c.

“ M. M. Ch.”

Gentlemen, it is a little distressing with regard to the observations which are to be made on the evidence as we go along, that you have them not laid before you in some chronological order: this is a correspondence in October, and in truth before the addresses to the national convention of France had been resolved upon; it alludes to it as a thing intended, that had not taken place, it would be better to see it at the time, the better to understand it—upon this the observation is, here is a letter from the society of Stockport, very far indeed advanced in republican principles, and calling upon this society, to which the letter was addressed, to know what it was they intended, and whether they meant to go on; suggesting, pretty strongly, they could not go on with the House of Lords, and with the Bishops, and desiring to know what it was they intended to do, and proposing, as it seems to me, for the first time, the idea of a convention in England: they say, “ would not all the evil be done away at once by the people assembled in convention?” Now, to be sure, this society thus called upon had various opportunities of explaining their conduct, in a way that could not possibly be misunderstood, and that every body might understand what they did aim at,—the answer states this,

“ With regard to our publications, our sentiments are expressed in as strong terms as prudence will permit, yet plain enough we imagine, to convince the public, that while we expect every thing from an honest and an annual parliament, nothing short of such a senate, chosen by the whole nation, will satisfy us.”

To be sure the fair observation upon this letter is, that, as far as prudence would permit they spoke out, but they might have spoke

spoke out more explicitly, if they meant fairly and honestly; they say, "they speak plain enough to convince the public, that while we expect every thing from an honest and an annual parliament, nothing short of such a senate, chosen by the whole nation, will satisfy us." Now, I have professed myself all along, in the course of this enquiry, very unwilling to hold people to mere expressions: if one was to put a strict construction upon this expression, it amounts to this—that nothing will satisfy them but a senate chosen by the whole nation; and a senate, chosen by the whole nation, includes all ranks of people. Possibly that might not be the intention, and to be sure if it was not their meaning, it was very unguardedly expressed. Then they notify their intention to make this address to the national convention; and then follows these extraordinary words, "without entering into the probable effects of such a measure, effects which your society will not fail to discover, we invite you to join us." What could be the effects of that measure, that any body was to discover respecting an application of any force that could be imagined for a reform in the Commons' House of Parliament? What effect could the address to the national convention of France have upon such a measure? If you are to understand that was not the thing meant, but to establish what was before expressed, a full and entire senate, chosen by the people, then the effect of an address to the national convention of France might be a thing of considerable consequence, and might be a thing which those persons, with the sentiments they entertained, might discuss. Those are observations that might certainly arise upon this letter and upon the answer to it. I should mention also, the crown has taken notice of the difficulty the Stockport people had in getting at the point the society aim at.

Gentlemen, those two letters having been read, the next is, a letter from Norwich, of the 11th November, 1792, and a draft of an answer to that letter, dated the 26th. I believe it will be necessary those should be read.

"SIR,

"We, the Society for Political Information, are desirous of holding and strenuously supporting the noble sentiments which you so lately and friendly dispersed among us; and as we so much admire your well adopted plan for a reformation in the state, permit us, with the utmost deference to your worthy society, to participate with you in all your great national correspondence, which your very name promises to maintain; and in consequence thereof, it is humbly desired by the society, which I have the happiness to represent, to incorporate three members with your worthy fraternity; in doing which, I shall here inform you of their names and residence, which are as fol-

low: Mr. Isaac Saint, at the Weavers' Arms, St. Augustin's, Norwich; Mr. Anthony Caddewould, cordwainer, near the Globe, ditto; George Knapp, near ditto. Our principal design, Sir, in doing this is, that we may have an opportunity of knowing more exactly what may be thought the most eligible steps to be taken in carrying on this great business of our associated brethren, and to have an opportunity to ask such sort of questions as may be thought very reasonable among the brethren, especially when we think that publications are covered with a sort of obscurity in their language, as the Sheffield people's declaration, which seem determined to support the Duke of Richmond's plan only; but since we find, in a printed letter received from them in a book, that they mean to abide by some moderate reform, as may hereafter be brought forward by the Friends of the People, which method is uncertain to us. Again, we find, that the Friends of the People, and the Society for Constitutional Information, do not exactly agree. We could be glad to know the reason. It seems to me as though the difference was this; the Friends of the People mean only a partial reform, because they leave out the words expressing the Duke of Richmond's plan, and talk only of a reform; while the Manchester people seem to intimate, by addressing Mr. Paine, as though they were intent upon republican principles only. Now, to come closer to the main question, it is only desired to know whether the generality of the societies mean to rest satisfied with the Duke of Richmond's plan only, or whether it is their private design to rip up monarchy by the roots, and place democracy in its stead. I shall now, Sir, give you an exact account of what plan we could wish to obtain, which I have already moved for at our general meeting, viz. a full and equal representation of the whole body of the people, a general suffrage of votes, and annual parliaments. I remember the Society for Constitutional Information intimated to us, that Mr. Basham used to write to them in the name of the Revolution Society, if you approve of that appellation, pray be so kind as to give us a full and satisfactory answer. I shall say no more at present, but remain a friend to peace, not of anarchy; a well-wisher to the rights of man, when obtained by consent, and

"Your most obedient humble servant,

"GEO. KNAPP, Chairman,

"Addressed to
Mr. Hardy.

"Isaac Saint, Secretary,

"Anthony Caddewould, Member.

"P. S. I should esteem it a favour to be informed of the town residence of the Lords Kenyon and Loughborough, for a matter of private concern."

Gentlemen, the answer is as follows:

"FELLOW

" FELLOW CITIZENS,

" Your letter of the 11th instant, was by the secretary laid before the Committee of Delegates of the London Corresponding Society. The London Corresponding Society having never before heard of your society, wish to have some further information concerning it, as to its origin, purpose, and number of its members; such an account in the next letter will give them great satisfaction; they do not thoroughly comprehend how it will be possible to incorporate with our society three of your members residing at Norwich, inasmuch as it would be impossible to communicate to them, at that distance, all our correspondence; and they could not attend our committees for the same reason.

" If it is information you want, they will very readily answer any questions; and to that end invite you to a regular correspondence; and as to the object they have in view, they refer you to their addresses, you will therein see that they mean to disseminate knowledge, and thereby engage the judicious part of the nation, to demand a restoration of their rights in annual parliaments, &c. the members of those parliaments owing their election to the unbought and equally unbiassed suffrage of every citizen, unless incapacitated by any criminal act, or otherwise, they consider the obtaining such a parliament to be the groundwork of every necessary reform; to this, therefore, they steadily adhere, and turn neither to the right or to the left, to follow any other plan whatever; the rules and orders of their society being so plain and easy, that if they can get a majority of the nation to act as they do, the proposed reform will effect itself: they look upon the trifling difference that may have arisen between the several societies as of no great importance, and think they will subside without any ways injuring the cause; they think it a matter of small importance of whatever name you may chuse to adopt; they advise you to follow their plan, and to divide yourselves into small societies, each of which to chuse delegates, who, when met, will form a committee to do the business of the society. Let them admit fresh members, communicate fresh intelligence, and encourage political discussions, or read such books as may convey that instruction your weaker members stand in need of; but above all, be careful to preserve peace and good order among you; let no disputes arise, leave monarchy, democracy, and even religion, entirely aside; never dispute on those topics; let your endeavours go to increase the number of those who wish for the full and equal representation of the people, and leave to a parliament, so chosen, to form plans for remedying existing abuses. Should they then not answer your expectations, at the year's end, you may chuse others in their stead. The committee offers you every assistance

assistance in their power, but request that your questions may relate mostly to the methods of obtaining a reform in parliament. Like yourselves, they are friends to peace, not anarchy, and well-wishers to the rights of man, and yet, not so sanguine in their expectations as to imagine those rights will be restored by the spontaneous consent of those who have so long deprived mankind of them. Understanding that you have many societies in Norwich, the committee recommend to you to unite, upon the plan before mentioned, and to correspond one by one, and the committee will serve you all. They likewise recommend the appointment of one of the least conspicuous of your members to receive letters, lest, if he be too well known, some interruption may take place, and they might not come to hand.

"I am,

"For the London Corresponding Society, most sincerely,

"Your fellow-labourer in the cause of freedom,

"MAURICE MARGAROT, Chairman.

"Nov. 26, 1792."

Gentlemen, I think the material observation that arises upon those two letters is, when this direct extraordinary question was proposed, no direct answer was returned: one should have imagined, that men who were really and truly attached to the constitution of the country, of King, Lords, and Commons, and had nothing but a reform in the Commons' House of Parliament to wish for and aim at, would have found no difficulty in declaring to them and the world, the direct negative as to that question: they are asked, whether they meant to rip up monarchy by the roots? How far they have accounted for it is for your consideration. Here I think they close the evidence of the proceedings of 1792, as far as respects the Constitutional Society.

Gentlemen, upon the 18th January, 1793, when Mr. H. Tooke was present, a person described by the name of Citizen St. Andre, was admitted an honorary member, and described as one of the most judicious and enlightened friends of human liberty:—that resolution had an interlineation in Mr. Tooke's hand-writing.

On the 25th January, Mr. Tooke was present, when two other persons, of the name of Barrere and Roland, who were also described in the same manner, as the most judicious and enlightened friends of human liberty, were admitted honorary members. Upon the 1st February, 1793, Mr. Tooke being present, certain speeches which had been made by Saint Andre and Barrere, as given in the Gazettee Nationale, on the 4th, 6th, and 7th January, 1793, are ordered to be inserted in the books of the society, and that resolution is ordered to be published: it appears upon the whole of the context, that those persons who are thus admitted honorary members of the society, were members of the

the national convention in France, and that the speeches referred to were made in the course of the trial of the King of France, and so far they would be interesting to every man, and might find a place in every person's library. But what could be the motive for pointing those out to the public in this manner, by ordering the resolution to be published, which directs the attention to the speeches made by those persons, and where they were to be found is a subject of observation, when you come to see what the speeches are. They are speeches made by persons who are for dealing severely by the King of France; and one of the speeches goes to destroy the idea of the inviolability of Kings, and the other goes to give an explanation of the national convention, as a thing inherent to the constitution of that country, and every other country; which undoubtedly goes to reconcile men's minds, who might be unwilling to destroy the constitution entirely, but would be willing to adopt a national convention, if they thought it a constitutional measure—those are the sort of publications which are thus pointed out to the attention of the public. For what purpose, and upon what principles they could be so pointed out, is entirely for your consideration.—You will hear them read.

Extract from Barrere's speech.

“ The question submitted to your consideration is of the highest importance to public order, of the utmost delicacy in politics, absolutely necessary to the existence of liberty, and connected with whatever is held most sacred by the nation. From the calmness and temper which have distinguished the deliberations of the convention on this occasion, it forebodes that it will be decided according to justice and reason, it will not escape history; this contrast between Kings, who often amidst the dissipation of courts, sign proscriptions and death warrants for the destruction of thousands of citizens, and the representatives of the people, who deliberate with wisdom and caution on the punishment of a single despot.

“ It is the destiny of Kings to be the occasion of the calamities of the people, whether they remain on their thrones, or whether they are precipitated from them.

“ The people of Paris, by making an holy insurrection against the King on the 10th August, deprived him of his character of inviolability. The people of the other departments applauded this insurrection, and adopted the result of it. The people have therefore formally interposed to destroy this royal inviolability. Louis was invested by the tacit consent of the people, which rendered his person inviolable; their tacit consent has deprived him of the same, and therefore this inviolability of the King cannot be absolute, it is only with relation to the other branches of the constituted authorities.

“ The

“ The people is the sovereign.

“ A convention differs from an ordinary legislature in this respect. A legislature is only a species of superintending magistracy, a moderator of the powers of government; a convention, on the contrary, is a representation of the sovereign. The members of the legislative assembly acted in August upon these principles; in summoning the convention, they declare, that they saw but one measure which could save France, namely, to have recourse to the supreme will of the people, and to invite the people to exercise immediately that unalienable right of sovereignty which the constitution had acknowledged, and which it could not subject to any restriction. The public interest required, that the people should manifest their will by the election of a national convention, formed of representatives invested by the people with unlimited powers. The people did manifest their will by the election of that convention; the convention being assembled, is itself that sovereign will, which ought to prevail; it would be contrary to every principle, to suppose that the convention is not alone exclusively the expression of the general will.

“ The powers of the convention must, from the very nature of the assembly, be unlimited with respect to every measure of general safety, such as the execution of a tyrant. It is no longer a convention if it has not power to judge the King.

“ A convention is a constituent body, that is, a body that is to make a constitution for the people; a legislature makes laws under an established constitution, and in conformity to it. It is despotism, when, in the ordinary and permanent establishment of a state there is no separation of powers, but it is the very essence of a constituent body to concentrate, for the time, all authority. It is the very nature of a national convention to be the temporary image of the nation, to unite in itself all the powers of the state, to employ them against the enemies of liberty, and to distribute them in a new social compact, called a constitution.

“ Behold that constituent assembly, which laid the first foundation of your liberty; behold that revolutionary genius which broke through every impediment, exceeded its delegated authority, created its own powers according to the exigencies of liberty, and to the occasional wants of the people; destroyed all prejudices by the force of that public opinion to which it gave birth, obliterated all privileges, abolished all the parliaments, changed the form and tenor of all property, as well as the measure and sign of all value, and made a perjured King its prisoner. Nothing was wanting to immortalize that assembly, but to have delivered France from the calamity of kingly government, and to have relieved you from the duty of judging the last of your Kings. Invested in your origin, with the most unlimited confidence,

and with this example before your eyes, you hesitate even in the first step of your duty. Am I then no longer in the midst of that national convention, whose honourable mission it was to destroy kings and royalty?"

Gentlemen, the next piece of evidence was the proceedings of the society, upon the 15th March, 1793, when Mr. H. Tooke was in the chair; and when Mr. Gay was proposed by him as a member. At that meeting there were thanks voted to Joel Barlow and John Frost, and to assure Mr. Frost their regard for him was not lessened, but increased, by the prosecutions and persecutions which his faithful and due discharge of that commission might bring upon him. This the prosecution insists to be an unqualified approbation of all that Frost did, by presenting their addresses, by which they make themselves responsible for the language so held. Upon the 22d March, there was another meeting, and then there was a letter from the London Corresponding Society read, informing the Constitutional Society that two persons, of the names of Grant and Littlejohn, which persons had been chosen members from the London Corresponding Society to the Constitutional Society, had been excluded from their own society, and therefore they did not think it proper for them to remain in the Constitutional Society; and they desire the Corresponding Society to elect others, which they do, for they elect Margarot and Hardy, and they accept of the office of stewards, at the anniversary dinner.

Gentlemen, the next piece of evidence was a letter found at Mr. Adams's, from the Political Society at Norwich to the Constitutional Society: that letter was read, and the consideration of it was postponed. Mr. H. Tooke was not then present—upon the 29th he was not present, and it was further postponed. Upon the 5th April, Mr. H. Tooke being present, it was further postponed to the next meeting, and Mr. Frost was desired to prepare an answer. Upon the 12th April, Mr. H. Tooke was present, and the letter was read, and the answer was also read and agreed to, and directed to be sent to the secretary. I believe that answer must be read.

Addressed to Mr. D. Adams, No. 4, Tooke's-Court, Chancery-lane.

" United Political Societies of Norwich, 5th March, 1793.

" GENTLEMEN,

" It is with peculiar satisfaction we are favoured with your correspondence, not merely because you are so, although you are better fitted to diffuse knowledge, but because you are embarked in the same magnanimous cause, which demands with alacrity the attention of every individual, and it is with the utmost regret we see so many, either from ignorance or some-

thing worse, who are inimical to their own interest, for nothing contributes so much to support the oppressor, as the ignorance of the oppressed, for which purpose the flood-gates have been opened gradually, till by degrees the streams of corruption have nearly overflowed the land, such as bounty acts, borrowing qualification and septennial acts, besides standing armies, excise and tything laws, with various others too painful for reflection, without credit to the framers thereof, and without advantage to society. We do not presume to recapitulate these abuses for your information, but being experimentally acquainted with them, we wish to find out a method of redress. At present we see a great propriety in universal suffrage, and annual elections, but we beg you will be obliging enough to inform us of what you have collected of the sense of the people by your correspondents. We have to inform you, that our worthy Corresponding Societies of London have recently submitted three propositions for our investigation: first, whether a petition to Parliament, or an address to the King, or a Convention.

“ Permit us briefly to state our views for your revival; and with respect to the first, we behold, we are a conquered people; we have tamely submitted to the galling yoke, and resistance in the present circumstances is vain; we cannot act the man, and as necessity has no law, we think ourselves under that degrading necessity to state our grievances to the House of Commons, with a request for redress, and should they refuse to grant our reasonable petition, we have still got (no thanks to them) a formidable engine, that will convey the insult to the remotest parts of the kingdom. As to the propriety of the second, we wish to submit to your superior judgment, and should esteem it a favour to be informed of the result, for at present we are dubious of its good consequences. Lastly, a convention, and oh! that the period were arrived; but in the present state of affairs, alas! it is impracticable! yet this is the object we pursue, and esteem any other means, only in subordination to, and as having a tendency to accomplish that desirable end.

“ We wish to be in unison with our brethren and fellow labourers, and should be glad of any information, as soon as it is convenient, and we beg your advice whether it is necessary as soon as possible, to collect signatures to a petition for a real representation of the people, and by whom to present it; whether Mr. Coke, Mr. Burch, or any of the Friends of the People; and whether it is attended with any expence.—Our members are both inimical to the business.

“ We can give you no accurate statement of the representation in our neighbourhood, only observe it is equally farcical here

here as elsewhere. To conclude with united thanks for all favours received, wishing you health and success, and may heaven avert ——— We subscribe ourselves, Gentlemen,

“ Your obliged humble servants,

(Signed)

“ J. BROUGHTON.

“ *Note.* Please to direct to J. Broughton, St. Mary's Church, Mr. Blake being no longer our secretary.—We have between thirty and forty separate societies in Norwich, besides many in the country villages.”

Gentlemen, the answer to that is as follows, to which there is no signature :

“ SIR,

16th April, 1793.

“ We have to acknowledge, with great satisfaction, the letter which you favoured us with, dated the 5th instant, relative to the most desirable of all other objects, the Reform of a Parliamentary Representation. The honour you do us in supposing that we are better fitted than yourselves for the promotion of political knowledge, we must disclaim, because we observe with the greatest pleasure that our country correspondents have too much zeal and information to want success in their public endeavours, whether at Norwich, at Sheffield, at Manchester, or elsewhere throughout the nation. In our sincerity for the good of our country, we trust that we are all equal, and as such, we doubt not of our ultimate success.

“ We see, with sorrow, the existence of those evils which you so justly represent as the streams of corruption overflowing this once free and prosperous country. We see, with surprise and abhorrence, that men are to be found both able and willing to support those corruptions. It is however no small consolation to find that others are not wanting, in every point of the nation, of an opposite character, who are ready to remedy, by all laudable and honourable means, the defect in our representation, the usurped extension of the duration of Parliaments, and other grievances, such as you notice in your letter.

“ That the constitution of England has no more of that character it once possessed; that the supposed democracy of the country has become a matter of property and privilege; and that we have therefore no longer that mixt government which our adversaries are praising, when they know it is no longer in our possession, are facts notorious and indisputable. Where then are we to look for the remedy? To that Parliament of which we complain, to the executive power, which is implicitly obeyed, if not anticipated, in that Parliament; or to ourselves, represented in some meeting of delegates for the especial purpose of Reform, which we suppose you understand by the term convention.

“ It is the end of each of these propositions that we ought to look to, and as success in a good cause must be the effect of perseverance, and the rising reason of the time, let us determine with coolness, but let us persevere with decision. As to a convention, we regard it as a plan the most desirable and most practicable, so soon as the great body of the people shall be courageous and virtuous enough to join in the attempt.

“ Hitherto we have no reason to believe that the moment is arrived for that purpose.—As to any petition to the crown, we believe it hopeless in its consequences. With respect to the last of your proposals, we are at a loss to advise. If the event is looked to in the vote, which may be obtained from that body to whom this petition is to be addressed; which of us can look to it without the prospect of an absolute negative? In this point of view, therefore, it cannot require a moment’s consideration. But if we regard the policy of such a petition, it may, in our apprehension, be well worth considering as a warning voice to our present legislators, and as a signal for imitation to the majority of the people. Should such a plan be vigorously and generally pursued, it would hold out a certainty to our fellow countrymen that we are not a handful of individuals unworthy of attention or consideration, who desire the restoration of the ancient liberties of England; but, on the contrary, it might bring into light that host of well-meaning men, who, in the different towns and counties of this realm, are silently but seriously anxious for reformation in the government.

“ We exhort you, with anxiety, to pursue your laudable endeavours for the common good, and never to despair of the public cause.

“ We are &c.

“ Signed by order, in the name of the

“ Society for Constitutional Information,

“ _____, Secretary.”

Gentlemen, there is one material use to be derived from these letters; it seems to fix pretty nearly the period about which time these two societies, the Constitutional Society, and the London Corresponding Society, proposed to any of their correspondents the idea of a convention to be held here. The letter from the Norwich Society affords some observations, doubtless, upon the nature of the convention, as they understood it; the observation upon it is short, it says, “ Oh! that the period were arrived,” which does not look like a convention of the people merely for the purpose of reforming parliament; the answer of the Constitutional Society appears to me to be a guarded answer, and to afford no just observation; that out of it is to be collected, that a convention of another description was then in consideration and contemplation of the society, for it speaks of the departure from

from the mixed government, and speaks of the means of restoring the government by correcting the representation of the people, and by correcting the duration of parliaments; that, therefore, in the fair construction of the letter is the object to which the convention they speak of ought, if there is nothing to the contrary, to be understood to refer to. To be sure there are some warm and eager expressions in that letter which afford some observation against the idea I am now stating; but, perhaps, hardly strong enough to turn the nature of the convention, as they state; they say, "We have no longer that mixed government which our adversaries are praising, when they know it is no longer in our possession, are facts notorious and indisputable. Where then are we to look for the remedy? To that parliament of which we complain, to the executive power which is implicitly obeyed, if not anticipated in that parliament, or to ourselves represented in some meeting of delegates for the special purpose of reform, which, we suppose, you understand by the word 'convention.' To be sure regularly it is to that part of the executive power, and it is only to them the application is to be made, and by them the relief could be obtained, yet they might understand the way to get relief from them, was to exert themselves in the shape of a convention; and I don't see that any satisfactory observation arises beyond that respecting the convention there stated, which may very well mean a convention of the people for the purpose of obtaining relief in parliament, without its being understood to be a convention intended to usurp the powers of government.

Gentlemen, the next evidence is a paper found at Hardy's by Lauzun, it is the draft of a letter from Hardy to the Friends of the People, at Edinburgh, it is a letter which, perhaps, may deserve your attention, therefore you will be pleased to hear it read.

" SIR,

" London, May 17, 1793.

" The London Corresponding Society eagerly seize the opportunity of Mr. Urquhart going back to Edinburgh, to request of your society a renewal of correspondence, and a more intimate co-operation in that which both societies alike seek, viz. a Reform in the Parliamentary Representation. We are very sensible that no society can by itself bring about that desirable end; let us, therefore, unite as much as possible, not only with each other, but with every other society throughout the nation. Our petitions, you will have learned, have been all of them unsuccessful; our attention must now, therefore, be turned to some more effectual means.—From your society we would willingly learn them, and you, on your part, may depend upon

upon our adopting the firmest measures, provided they are constitutional; and we hope the country will not be behind hand with us.

"This war has already opened the eyes of many, and should it continue much longer, there is no answering for its effect on the minds of the people.

"Our society has met with much persecution, nevertheless we go on increasing in number and political knowledge. Wishing you and our cause all success, we remain most cordially, Sir,

"For the London Corresponding Society,

"Your friends and fellow labourers,

"M. MARGAROT, Chairman,

"T. HARDY, Secretary.

"To the Friends of the People at Edinburgh."

Gentlemen, you will now hear the answer read.

"SIR,

"Mr. Urquhart did me the pleasure to call on Thursday afternoon, and delivered your letter of the 17th current. I am much pleased with the contents of it, and shall lay it before the first meeting of our societies here, which, however, does not take place till Monday seven-night. I would have acknowledged the receipt of your favour by yesterday's post, but was too much employed in removing our household to another lodging to attend to any thing else.

"If either you in England, or we in Scotland, should attempt separately the reform, which we, I trust, seek to obtain, we should by so doing only expose our weakness, and manifest our ignorance of the corruption which opposes our important undertaking. If we sought only the extirpation of one set of interested men from the management of national affairs, that place might be given to another set without affecting the vitals of the system adverse to reform. These might be easily accomplished, but to cut up deep and wide-rooted prejudices, to give effectual energy to the dictates of truth in favour of public virtue and national prosperity, in opposition to self and all its interested habits, and to withstand and overawe the final efforts of the powers of darkness is the work of the whole, and not of a part; a work to which mankind, till this awful period, were never adequate, because never till now disposed to fraternize, not merely or only, I trust, from the sense of the common danger to which we are exposed, but from the ennobling principle of universal benevolence.

"I know no greater service that I can do my country, than to promote the union you so wisely desire; and I am happy to assure you, that I have hitherto discovered no sentiment in our
association

association adverse to the most intimate and brotherly union with the associations in England.

“ I think the minds of all must, in the nature of things be now turned to more effectual means of reform. Not one person was convinced of the necessity of it by the most convincing arguments of reason, together with the most unequivocal expressions of universal desire. What then is to be hoped for from repetition, I am only afraid that the bow in England against reform is so contracted, that in returning it may break. You would willingly learn you say from us; I own that we ought to be forward in this, we have at once, in great wisdom, perfected our plan of organization; and if we were in the same independent state of mind as the people of England, we would be able to take the lead. The associations with you are no more, I fear, excuse my freedom, than an aristocracy for the good of the people; they are, indeed, moderate, firm, and virtuous, and better cannot be, but we are the people themselves, and we are the first to shew, that the people can both judge and resolve, if undirected by faction, with both wisdom and moderation.

“ I have not a higher wish in the present exertions for reform, than to see the people universally and regularly associated, because I am persuaded that the present disastrous engagements will issue in ruin, and the people then must provide for themselves: and it would be unhappy, when we should be ready to act with unanimity, to be occupied about organization, without which, however, anarchy must ensue. We will not need but to be prepared for the event, to stand and see the salvation of the Lord. Let us, therefore, take the hint given us by our opposers, let us begin in earnest to make up our minds relative to the extent of reform which we ought to seek, be prepared to justify it, and to controvert objections; let us model the whole in the public mind, let us provide every stake and stay of the tabernacle which we would erect, so that when the tabernacles of oppression in the palaces of ambition are broken down, under the madness and folly of their supporters, we may then, without anarchy and all dangerous delay, erect at once our tabernacle of righteousness. And may the Lord himself be in it.

“ How hurtful to the feelings of a reflecting mind to look back to the wretched state in which the Roman monarchy in-feeble and broken by its own corruptions, left the nations which it had subjected, like “sheep without a shepherd.” They soon became a prey to every invader, because there was none to gather and unite them. Had they, foreseeing the evil, associated for mutual defence, no robber would have been able to enslave them, they would have given laws to all parties, as well as to themselves;

themselves; all separate colonies and nations would have fought their alliance; but not having virtue to associate and heal the divisions, and root out the selfish spirit which ambition fostering governments procure to their subjects, they fell under oppression, from under whose iron sceptre they have never yet been able to deliver themselves.

“ We may suppose an event which we deprecate; nay, should we not be prepared for every possible issue of the present unprecedented divisions of mankind, we have a right to be apprehensive of the abilities of our own managers who are so afraid to depart from precedent, that like men of detail, they may be inadequate to the task of preserving the vessel from shipwreck, now grappling with danger, not only great, but new and uncommon.

“ If the present ministry fail, who after them shall be trusted; it requires little penetration to see the anarchy and discord which will follow, it will be such, that nothing short of a general union among the people themselves will be able to heal, haste, therefore, to associate, at least be ready to associate. If then such a broken state of things should take place, the civil broils that would necessarily ensue would soon subside before the united irresistible voice of the whole. Do not, I entreat you, hesitate, thinking such a work premature as yet, but a month, and then it may be too late. A malignant party may be already formed, and only waiting for the halting of the present managers, it will then be too late to seek to subject to deliberation after a party has dared the act of rebellion. If you go no further than separate meetings in different towns we will not be able to confide in your confraternity, because, while in such a state, you may be but the tools of a faction. We could have all confidence, and unite with all affection in one assembly of commissioners from all countries of the world, if we knew they were chosen by the unbiaſſed voice of the people; because they would come up with the same disinterested views and desires as ourselves, having all agreed to a common centre of union and interest; but we could not confide in fellow citizens, who kept aloof from such union, and would not, previously affiliate in one great and indivisible family. In troubling you with so long an epistle, I have at least shewn my intention to correspond. I have also hinted at things which appear to me the present subjects of consideration, because I am desirous of your opinion upon them. I have possibly wrote with too much freedom, but you will place it to account of zeal in the cause, and on this score, discharge my design, which is disinterested and philanthropic.

“ With sincere esteem and affection,

“ I am, Sir, your well wisher,

“ W. SKIRVING, Sec.”

Gentlemen,

Gentlemen, it is a small circumstance in this case, that this letter of Skirving's was produced in consequence of an overture made by Hardy. He stands acquitted now; the letter from Skirving is of a serious consideration, because they say, upon the part of the prosecution, it opens the true nature of that convention, which had existed in Scotland before the date of that letter, and had in the terms of that letter been already recognized, and did, in fact, afterwards meet. The letter is couched in mysterious terms, and of a very doubtful complexion, not very easy to be understood, to be sure, extremely difficult to be confined to the idea of a convention to be limited to the purpose of a parliamentary reform; that is one striking observation that arises upon it, together with the light it serves to throw upon the convention, as originally framed, and as it appeared when it afterwards got to its full growth, as you will see hereafter, at the time it was discussed.

Gentlemen, the next piece of evidence was the proceedings of the Constitutional Society, on the 28th of June, when Mr. Horne Tooke was present, a committee was then appointed to prepare an address to the British nation, but I understand the cross-examination to have established no such address was prepared, if I am right in that no observation need be made upon it. Mr. Yorke was desired to prepare it, but I apprehend it was not prepared.

Gentlemen, the next piece of evidence was a letter produced by Lauzun, found at Hardy's, being a letter from the society at Norwich, to Mr. Hardy, and as there may be some things in that letter to which it will be necessary to attend, it should be read, and also the answer.

“ Addressed to Thomas Hardy, No. 9, Piccadilly, London.

“ SIR,

“ I lately received your letter from Mr. Coufens, dated April 22d, which, through multiplicity of business, we have omitted to answer—hope you will excuse the delay. We also received your friendly letter, prior to that, wherein you stated three propositions: first, a petition to his Majesty, or to Parliament, or a National Convention, and ordered one of our committee to answer it; should be glad if you will inform me whether it was attended to;—I gave my opinion on the subject of the Constitutional Society of London, and found their ideas congenial with my own, viz. an address to the King, futile; a petition to parliament (as a conquered people) tolerable; a National Convention (if circumstances admitted) best of all.—To what an alarming crisis are we arrived; the junto is formed and esta-

Vol. II.

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blished; the people become a prey, and (to adopt the phrase of an Hibernian apostate) are treated as the swinish multitude, except the privilege of fattening. Wars must commence at the caprice of individuals; people torn from their houses to be butchered; windmills must be attacked at the risk of being carried over and dashed to atoms; the nation drained of its sustenance to support a league, &c. &c. &c. Many epithets may with propriety be applied, excepting such as Fox, Sheridan, Grey, Erskine, Lansdowne, Lauderdale, Stanhope, Paine, Priestley, Tooke, Wharton, Macleod, Barlow, Mackintosh, Cooper, besides many who have suffered under the iron hand of, &c. and when the people have complained, and humbly requested a removal of abuses, they have been treated with insult. Alas! where is the majesty of the people? An indifferent observer would suppose it to center in stars and garters, ribbons, and costly apparel, palaces, coaches and horses, with all the trumpery of puerile amusement—and were it not for their accursed consequences, we could bear with it; but, when we consider how many sweat and toil, and starve to support it, how can we be persuaded but that there is a contrivance between the landowners and the merchants to hold the people in vassalage; for they eat up the people as they eat bread; the influence of the aristocracy and hierarchy is become very alarming, for they have absorbed and swallowed up the people; but a rumour is spread from the south, and it is terrible to tyrants—it stings their mind—it galls their flesh—and like Pashur, are a terror to themselves, lest the people should assert their rights.

“Yours, &c.

“HENRY BUCKLE.”

Gentlemen, the answer will now be read to you.

“FELLOW CITIZENS,

“The London Corresponding Society have received, and read with pleasure, your letter of the 25th of June, but the answer which you mention to have been made to our three questions has not yet come to hand. We shall be glad to be informed in your next, whether it was ever put in the Post-office.

“With regard to the questions themselves, however individuals may have made up their minds on them, the public seemed most to approve the mode of petitioning of parliament. We accordingly acquiesced, and sent in a petition, signed by near 6,000 persons. With this letter you will receive a copy of it, and with its fate you are doubtless not unacquainted.

“While we agree with you, that the people are treated like swine, we are forced to acknowledge that some among them, from their sloth and ignorance, scarcely deserve better usage; however

however unceasingly labouring to meliorate their condition, as well as our own, and convinced that a thorough parliamentary reform is the only means of effectuating it, we firmly pursue our purpose, and in the most conspicuous manner, under the eye of the court, in the middle of the metropolis, and in the very nest of place and pension hornets, the Tavern where Reeves, the tool of the junto, holds his inquisitorial tribunal, have lately held a general meeting of the society, sent forth an address to the nation, and entered into some spirited resolutions, a few copies of which we desire you to accept, and promulgate as far and as wide as you can; at the same time, rest assured, that the firmness displayed therein is not confined to words, but that upon every occasion our society will be found foremost in asserting and recovering the liberties of their country. Exhorting you, therefore, to throw aside all unavailing complaint, we wish you to occupy yourselves in instructing the people, in introducing and maintaining order and regularity in your own society, and in forming a junction with all others associated for the same purpose throughout the nation, by keeping up a constant correspondence with them; but, above all, orderly and courageously preparing yourselves for the event; for, as it is natural to suppose, that those who now prey on the public, will not willingly yield up their enjoyments, nor repossess us of our rights without a struggle, which, by their behaviour in Ireland, we have some reason to think they are meditating, and perhaps may intend to effect by means of those very foreign mercenaries who are now paid with the sweat of our brow, and whom, under some plausible pretence, it would be no difficult matter to land on our shore.—It may be more advantageous to humanity, to shew them at first, that their opponents are neither mob nor rabble, but an indignant oppressed people, in whom is not yet entirely extinct the valour of their forefathers.

“ Union and encrease being then our only resources, let us diligently exert ourselves therein with zeal and patience, removing ignorance and prejudice, with firmness and a consistent behaviour, encouraging those who join us, and above all, avoiding little bickerings among ourselves, ever discountenancing selfish jealousies and private animosities, and cordially joining with heart and hand in the common cause.

“ Your neighbourhood must severely feel the dreadful consequences of an iniquitous, depopulating, and ruinous war, but you are not the only sufferers, from various parts of the country we learn, that the war abroad has already spread desolation at home, yet, such is the blindness of some folks, that they talk of its being continued for years. Peace we wish to all men, but to such friends—destruction. Let us hear from you soon, and let

our future correspondence be more regular. We are with sincerity, fellow citizens, for the London corresponding society.

“ Your friends and fellow labourers, for the good of our
“ country,

“ M. M.

“ T. H.”

Gentlemen, the use that seems intended to be made of these letters is to shew that after the petition to parliament had failed, those persons began to entertain notions of some violence, and seemed to express a resolution to obtain, by force, that which they could not otherwise obtain. The passages in the answer to this letter from Norwich, which import this, is the assurance, “ That the firmness displayed by the society therein, is not confined to words, but that on every occasion our society will be found foremost in asserting and recovering the liberties of their country. Exhorting you, therefore, to throw aside all unavailing complaint, we wish you to occupy yourselves in instructing the people, in introducing and maintaining order and regularity in your own society, and in forming a junction with all others, associated for the same purpose throughout the nation, by keeping up a constant correspondence with them; but, above all, orderly and courageously preparing yourselves for the event, for it is natural to suppose those who now prey on the public will not willingly yield up their enjoyments, nor re-possess us of our rights without a struggle, which, by their behaviour in Ireland, we have some reason to think they are meditating; and perhaps may intend to effect by means of those very foreign mercenaries who are now paid with the sweat of our brow, and whom, under some plausible pretence, it would be no difficult matter to land on our shore—It may be more advantageous to humanity to shew them at first, that their opponents are neither mob nor rabble, but an indignant oppressed people, in whom is not yet entirely extinct the valour of their forefathers.”

Gentlemen, to be sure it has a pretty plain reference to force, if force should become necessary.

Gentlemen, the next paper is a paper found upon Adams, purporting to be a letter, dated the 5th of October, 1793, from a person of the name of Callender, at Edinburgh, to Hardy; it may be read, because there is a passage in it which seems likely to be of some use to the prisoner—speaking of the purposes of the association or convention, or by whatever name it was to be called, then began at Edinburgh.

“ Edinburgh, Oct. 5, 1793.

“ BROTHER HARDY,

“ The letter and this paper will explain themselves. I was at a meeting on the day this mentions, and the determinations of
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the association are universal suffrages and annual parliaments; and it was the unanimous desire and wish of that meeting, that two persons, if possible, should be sent from our society, in England, as delegates to meet our dear northern friends in the ensuing convention. I most earnestly desire the said wish of our friends here may be complied with, as it will add to the dignity of our association in particular, and to the convention in general, and will further the common cause much, in a way the judgment of our association must hit upon, without any explanation of mine. If any person could be elected of sound principles, a clear understanding speaker, with a long head, and a good warm heart in the cause of freedom, having it in view, and not his own aggrandizement, such a delegate would be of great service; if such an one is chosen, he must be here by the 29th day of this month, as the convention meets on that day, and if my poor feeble efforts will be of any service to the convention, as the other delegate, the London Corresponding Society may command me for the support of their interests as far as I am capable: but those of you who know me, know I am no speaker, much less an orator; but this I will say, my heart lies in the right place, and hates and abhors all despots. Please to communicate this to our friends, and let me know the society's determination, if they will honour me with their confidence.

"I am often with our friend Muir, he bears his confinement with a fortitude of soul inspired with the genius of liberty: he is well. I have much to say, but I must leave off. This letter will be delivered by my servant, which must have a speedy answer, because of the approaching meeting here. Every thing of moment I will communicate to you from time to time, and wishing destruction to all human butchers, and success to all friends of liberty, I remain, Brother Hardy, yours to command,

"A CALLENDER.

"My servant will shew you my direction."

"*Friends of the People and of Parliamentary Reform,*

"The general committee of the last meeting, in May, unanimously resolved to persevere in the cause of reform, which they had espoused, and, therefore, adjourned to Thursday, the 29th of October next, when they would assemble again in the city of Edinburgh, in such place as the Friends of the People there should provide for their meeting.

"The usual societies, are now, therefore, called upon to meet in their towns with all convenient speed, for the purpose of electing and instructing their delegates to the ensuing general meeting. Societies lately formed, and those who have not yet

yet been affiliated with the general association, and such as may now be formed in consequence of this intimation, will not fail to send with their delegates an attested declaration of their adherence to the principles and object of the association.

“ Another application for the redress of grievances—the kind of reform sought, (for the not specifying of which in the last petition to the house of commons it was rejected)—the mode of this application—the vindication of the association against the public charges of sedition and malignant design, &c. &c. are subjects which will require the most deliberate discussion. The delegates will, therefore, come up to this meeting, unlimited as to the duration of its sitting.

“ Meetings and incorporations of every denomination, already established for necessary and benevolent purposes, in whatever part of the kingdom, and who may not conveniently change their firm, but who are well disposed to unite their efforts for a speedy reform, as being the only measure that can put a period to the calamities of the nation, will be received as brethren in the person of their delegate, for the Friends of the People seek not their own reputation, but the universal good of all.

“ The association of Edinburgh will advertise the place of meeting in due time.

(Signed)

“ WM. SKIRVING, Secretary.

“ Edinburgh, Sept. 30, 1793.

“ Copied for the use of the different divisions of the London Corresponding Society.

“ JOHN PHILIP FRANKLOW, Assistant Secretary.”

That letter is of some use likewise, to shew the nature of the convention, and how it was calculated to encrease to an infinite number of members.

Gentlemen, the next piece of evidence was a paper read at the Constitutional Society, on the 25th of October, 1793, when Mr. Sinclair read a letter from Mr. Skirving to Mr. Hardy, at the Constitutional Society, and proposed an extraordinary general meeting in consequence of it.

Mr. *Dealtry*. My Lord, that is the letter that has just been read. Mr. Horne Tooke was present when that letter was read, but is said not to have been present on the 28th of October, when this extraordinary general meeting was held.

Lord *President*. Then upon the 28th of October, Mr. Tooke was present.

Mr. *H. Tooke*. It was proved by the evidence I was not present.

Lord *President*. It was proved by Mr. Adams, that, in point,
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of fact, he was not present, though his name appears in the book; notice was to be given him by somebody, therefore he did not attend. On the 28th, they read addresses, signed by Skirving, and they resolved to send delegates to the ensuing convention to be held in Edinburgh, for promoting a reform in parliament—and they elected Sinclair and Yorke as delegates.

Gentlemen, the next was a paper produced by Scott, found at Skirving's; it is intituled, a scroll or minutes of the British Convention: they began with reading the proceedings on the 5th day's sitting, at which time the persons assembled in that convention assumed the style and title of the British Convention of the Friends of the People, associated to obtain universal suffrage, and annual parliaments. Upon the 9th day, there was a resolution that the House should resolve into a committee of the whole House: they then prove another paper found upon Sinclair, which is the resolution in the minutes which I before took notice of. What was to be done at the permanent sitting of this convention, which is mentioned in this resolution to be held by appointment of the Secret Committee, in some secret place, on the different emergencies there described, certainly is not expressed; it must be collected from all the circumstances, as it will be material if there is ground to collect that all that was done in that place was to apply to Parliament for relief in the particular cases suggested, which would apply to every thing but invasion, and it is not easy to see of what use such a meeting could be; on the other hand, if this was to be a meeting to use force in the case pointed out, it is a material and weighty observation in another view of it. It is darkly expressed, and you must form your judgment upon the variety of circumstances as well as you can. They go on to state, that a committee be appointed to draw up a declaration of the natural, unalienable, and unprescriptible rights of Man. They then read the proceedings of the 10th day, and then they say, "Convention-hall, the first year of the British Convention;" which to be sure is a very extraordinary assumption, and instead of its being a private meeting of subjects to obtain a parliamentary reform in a regular course, it is in that formal style which belongs to a public assembly, acting for the public:—perhaps this may be vanity, folly, and nonsense, and as such, taken under all the circumstances, may deserve no attention; or it may be a very material circumstance added to other circumstances, marking what were the objects of this meeting, and to be sure it does require some explanation in some manner or other, because it is a sort of thing not to be found in the private assemblies of any individuals assembled for any regular purposes that can be imagined. Upon the 9th day, there was a
committee

committee appointed to draw up a declaration of the natural, unalienable, and unprescriptible rights of man, and that the same be prefixed to an address to the people of Great Britain. It does not appear whether that was ever drawn up or not; probably the dispersion of the convention prevented it—to be sure to those who are acquainted with the history of the proceedings of the national convention of France, this sort of resolution has an alarming aspect. Upon the 11th day's sitting there is another affectation of the manners of the French convention, for they give the honours of the sitting to some person who was there.—The secretary upon the 11th day read a motion for publishing the unalienable and unprescriptible rights of man, which was ordered to be referred to a Committee of Union. There was then a motion which will deserve your attention, it was a motion for drawing a scroll of a petition to parliament, which being read, and that seemed to be that which was most immediately the business of this meeting, according to the representation that is made in favour of it, but the order of the day was moved upon it. The order of the day would have been a thing unknown to us without the information we have had of the nature of the proceedings of the national convention of France, for there the order of the day being moved upon a proposition made, means nothing more than a manner of pronouncing a negative. There are, in the regular establishment of our constitution very frequently orders of the day, which being called for, have a priority, but it does not appear there was any other business appointed for that day, which was to have the priority, but it seems merely an imitation of the cant word that had been used in France.

Upon the 12th day, they enquired into the impropriety of the title "gentleman," and the propriety of the term "citizen."—Upon the 13th day, they began to apprehend they should be dispersed; and then there is a resolution, that the moment of any illegal dispersion of the British convention, shall be considered as a summons to the delegates to repair to the place of meeting appointed for the convention of emergency, by the Secret Committee, and that the Secret Committee be instructed to proceed without delay to fix the place of meeting.

Gentlemen, they then call in behalf of the prisoner, for the proceedings of the 21st November, and they throw an air of ridicule undoubtedly upon the proceedings of this convention—It is as follows:

"The minutes being read, citizen Margatot was unanimously called to the chair. The reports of the divisions being given in by the secretary, the depute secretary informed the convention, that he had last night received 15s. from six of the visitors

visitors who had been present, and which was paid to citizen Skirving, with 3s. received from visitors.

"It was also moved, that a general collection should be made; which being agreed to, and Messrs. Callender and Scott being appointed collectors, there was drawn instantly 4l. 5s. 8d. of which there were two bad shillings; balance 4l. 3s. 8d. The same day a collection at the door, which amounted to 19s. 3d. Moore 1s. making together 1l. 0s. 3d. which was delivered to the treasurer Mr. Read."

Gentlemen, this is all that was read of the proceedings of the Scotch convention; they then produced the proceedings of the 10th January, 1794, when Mr. H. Tooke was present, and when Mr. Sinclair's letter and the subsequent proceedings of the convention at Edinburgh were ordered to be taken into consideration on the Friday following. On the 17th January another meeting took place, when Mr. H. Tooke was in the chair, and there was a resolution come to, which is of importance, therefore you must hear it read—it was voted after it was entered into to be published.

"Resolved, That law ceases to be an object of obedience, whenever it becomes an instrument of oppression.

"Resolved, that we recal to mind, with the deepest satisfaction, the merited fate of the infamous Jefferies, once Lord Chief Justice of England, who, at the æra of the glorious revolution, for the many iniquitous sentences which he had passed, was torn to pieces by a brave and injured people.

"Resolved, that those who imitate his example deserve his fate.

[Here Mr. Tooke left the Chair, and Mr. Gerald was called to it.]

"Resolved, That the Tweed, though it may divide countries, ought not, and does not, make a separation between those principles of common severity, in which Englishmen and Scotchmen are equally interested; that injustice in Scotland is injustice in England; and that the safety of Englishmen is endangered whenever their brethren in Scotland, for a conduct which entitles them to the approbation of all wise, and the support of all brave men, are sentenced to Botany Bay, a punishment hitherto inflicted only on felons.

"Resolved, That we see with regret, but we see without fear, that the period is fast approaching when the liberties of Britons must depend not upon reason, to which they have long appealed, nor on their powers of expressing it, but on their firm and undaunted resolution to oppose tyranny by the same means by which it is exercised.

"Resolved, That we approve of the conduct of the British convention, who, though assailed by force, have not been

answered by argument; and who, unlike the members of a certain assembly, have no interest distinct from the common body of the people.

“Resolved, That a copy of the above resolutions be transmitted to citizen William Skirving, secretary to the British convention, who is now imprisoned, under colour of law, in the Tolbooth of Edinburgh.

“Resolved, That the resolutions now passed be published in the newspapers.

“Read a letter from Mr. Hardy, secretary to the London Corresponding Society.”

Gentlemen, you observe this paper shews a pretty unqualified approbation of the proceedings of the Scotch convention, and alludes pretty intelligently to the resolution to resort, if it should become necessary, to force, for the recovery of what is understood to be their rights. It is to be observed, that Mr. Tooke was in the chair when the two first resolutions were proposed and voted, and that he left the chair afterwards, and Mr. Gerald took it, but whether he retired further than that, does not appear one way or the other, but certainly he was not in the chair.

Gentlemen, the next paper is a paper found upon Mr. Adams, which imports to be a letter from Hardy, and is, among other purposes, to give notice of the anniversary meeting upon the 20th January, and also sending some copies of the indictment against Margarot, in Scotland.

On the 24th January, 1794, Mr. H. Tooke being present, and Mr. Martin also, a motion was made that the address of the London Corresponding Society should be inserted in the books of this society:—it is necessary that that should be read. It was observed, upon the part of the prisoner, that the address ordered to be entered has no date given to it in the resolution, therefore there is no knowing exactly what address is referred to—that is for your consideration. The fact is, that this is a transaction upon the 24th January, and upon the 20th, at the Globe Tavern, there was an address of the London Corresponding Society, which was of a pretty extraordinary nature, and must have been at that time extremely well known, and the subject of conversation, and unless the contrary appears, I should imagine you would find not much difficulty in supposing that was the address which is there mentioned. It is as follows:

“A motion was made, That it be resolved, That the most excellent address of the London Corresponding Society be inserted in the books of this society, and that the King’s speech to his parliament be inserted under it, in order that they may both be always ready for the perpetual reference of the members

bers of this society, during the continuance of the present unfortunate war ; and that (in *perpetuam rei memoriam*) they may be printed together, in one sheet, at the happy conclusion of it ; which happy conclusion of it, according to the present prosperous appearance, we hope and believe not to be many months distant.

“ An amendment was moved, That between the words (his) and (parliament) the word (honourable) should be inserted.

“ Honourable was withdrawn.

“ Another amendment was then moved, That between the words (his) and (parliament) the word (faithful) should be inserted.

“ Faithful was withdrawn.

“ And it was unanimously resolved, that (his) and his only, is the proper epithet for parliament upon the present occasion.

“ The resolution then passed unanimously in its original form.

“ Resolved, That the London Corresponding Society have deserved well of their country.

“ Resolved, That the secretary be ordered to cause forty thousand copies of the address, the speech, and these resolutions, to be printed on one sheet, and properly distributed in England, Scotland, and Ireland.

“ Resolved, That these resolutions be published in the newspapers.”

Gentlemen, Mr. Maclean then produces a paper found at Mr. Adams's, proved by Mr. Woodfall to be in the hand-writing of Mr. H. Tooke, and that paper it appears is the minute of those resolutions. With regard to that part of the paper which contains remarks upon the King's speech, it certainly has no immediate reference to this particular case, and therefore, though it is impossible not extremely to disapprove of it, and to lament that such liberties should be taken upon any occasion, with that solemn act of state, the King's speech in Parliament, yet it ought not to influence or to carry it beyond its proper bearing, and it does not seem to have any prejudicial inference against the prisoner at the bar upon the present enquiry ; it was wrong, no doubt, but it does not apply to this case. Why it should be published so anxiously, together with the address of the London Corresponding Society, is very inexplicable, giving it more merit than it deserves. Then there is a resolution, that 40,000 of these resolutions and address should be published upon one sheet of paper.—You will recollect, in the evidence there was some doubt entertained whether they always did publish according to their resolutions. To be sure it shews a very anxious dispersion of that address and those other papers.

Gentlemen, the next witness is James Davidson, who is a printer, and he says, that before the 20th January, he was applied to to print that address, and that he did print the copy which is now produced. It was found in the possession of Adams, and it is the address of the 20th January, which has not before been read to you, but which must now be read.

" At a general meeting of the London Corresponding Society, held at the Globe Tavern, Fleet-Street, on Monday, the 20th day of January, 1794; Citizen John Martin in the Chair, the following Address to the People of Great Britain and Ireland was read and agreed to :

" CITIZENS,

" We find the nation involved in war, by which, in the course of one campaign, immense numbers of our countrymen have been slaughtered; a vast expence has been incurred, our trade, commerce, and manufactures, are almost destroyed, and many of our manufacturers and artists are ruined, and their families starving.

" To add to our affliction, we have reason to expect, that other taxes will soon be added to the intolerable load of imposts and impositions, with which we are already overwhelmed, for the purpose of defraying the expences which have been incurred, in a fruitless crusade, to re-establish the odious despotism of France.

" When we contemplate the principles of this war, we confess ourselves to be unable to approve of it, as a measure either of justice or discretion;—and if we are to form our calculation of the result, from what has already passed, we can only look forward to defeat, and the eternal disgrace of the British name.

" While we are thus engaged in an expensive and ruinous foreign war, our state at home is not less deplorable.

" We are every day told, by those persons who are interested in supporting the corruption list, and an innumerable host of sinecure placemen, that the constitution of England is the perfection of human wisdom; that our laws (we should rather say their laws) are the perfection of justice; and that their administration of those laws is so impartial and so ready, as to afford an equal remedy both to the rich and to the poor; by means of which we are said to be placed in a state of absolute freedom, and that our rights and liberties are so well secured to us as to render all invasion of them impossible.

" When we ask, how we enjoy these transcendent privileges? we are referred to Magna Charta, and the Bill of Rights, and the glorious Revolution, in the year 1688, is held out to us as the bulwark of British liberty.

" CITIZENS,

" CITIZENS,

" We have referred to Magna Charta, to the Bill of Rights, and to the Revolution, and we certainly do find, that our ancestors did establish wise and wholesome laws; but we as certainly find, that, of the venerable constitution of our ancestors, hardly a vestige remains.

" The only chapters of the Great Charter, which are now in legal existence, are the 14th and 29th.

" The important provision of the 14th chapter runs thus:

" A freeman shall not be amerced for a small fault, but after the manner of the fault; and for a great fault after the greatness thereof, saving to him his contenement: and to a merchant likewise, saving to him his merchandize: and any other's villain than our's shall be likewise amerced, saving to him his wainage: and none of the said amerciaments shall be assessed but by the oath of honest and lawful men of the vicinage.

" But by the usurped power of the Judges, in assessing fines (and what fines!) in the cases of misdemeanour; this glorious right of the subject, of having these fines assessed by the Jury, (the only possible protection from slavery and the vilest oppression) is unjustly and infamously ravished from us.

" The provision of the 29th chapter runs thus:

" No freeman shall be taken or imprisoned, or be disseised of his freehold, or liberties, or free customs, or be outlawed, or exiled, or any otherwise destroyed, nor we will not pass upon him, nor condemn him, but by the lawful judgment of his peers, or by the law of the land. We will sell to no man, we will not deny, or defer to any man, either justice or right.

" The various methods now in constant practice by which the benefits of this provision are totally defeated and destroyed, might induce us to suppose, that the Great Charter has been repealed; if we did not assuredly know, that is the fundamental basis of our constitution; which even the real representatives of the people (much less the miserable nominees of Hefstone and Old Sarum) have not the right, nor (as we trust it will be found by experience) the power to repeal. Yet what do we find in practice? Unconstitutional and illegal informations, *ex officio*, that is, the arbitrary will of the King's Attorney General usurping the office of the accusing Jury; and the interested oath of a vile common informer, with the judgment of as vile a common trading or pensioned justice, substituted in the room of our birth-right, an impartial trial by our country.

" Add to this, that the exorbitant expence of judicial proceedings, the novel practice of arbitrarily and repeatedly annulling the verdicts of juries, and the dilatory practice of the courts,

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most openly and shamefully contradict the clause which forbids the denial, the delay, and the sale of justice.

“ A man accused of felony, (for which by the common law of England, his life and goods are forfeited) may be bailed on finding two sureties for forty pounds each; but upon a charge of misdemeanour, by words only, bail to the amount of one thousand pounds has been demanded.

“ Upon conviction also for such misdemeanour, enormous fines, long and cruel imprisonments, unknown to our ancient laws, and unsanctioned by any new statutes, have of late (and but of late) been too frequently and too oppressively inflicted. And all this, although by this Bill of Rights it is declared, that ‘ excessive bail shall not be demanded, or cruel and unusual punishments inflicted.’

“ If we look to Ireland, we find that acknowledged privilege of the people to meet for the support and protection of their rights and liberties, is attempted, by terror to be taken away by a late infamous act of Parliament; whilst titles of honour!—no, but of dishonour, are lavished; and new sources of corruption opened, to gratify the greedy prostitution of those who are the instruments of this oppression.

“ In Scotland, the wicked hand of power has been impudently exerted, without even the wretched formality of an act of Parliament. Magistrates have forcibly intruded into the peaceful and lawful meetings of freemen; and, by force, (not only without law, but against law) have, under colour of magisterial office, interrupted their deliberations, and prevented their association.

“ The wisdom and good conduct of the British Convention at Edinburgh, has been such, as to defy their bitterest enemies to name the law which they have broken; notwithstanding which, their papers have been seized and made use of as evidence against them, and many virtuous and meritorious individuals have been as cruelly as unjustly for their virtuous actions, disgraced and destroyed by infamous and illegal sentences of transportation. And these unjust and wicked judgments have been executed with a rancour and malignity, never before known in this land; our respectable and beloved fellow citizens have been cast fettered into dungeons among felons in the hulks, to which they were not sentenced.

“ CITIZENS,

“ We all approve the sentiments, and are daily repeating the words, for which these our respectable and valuable brethren are thus unjustly and inhumanly suffering. We too, associate in order to obtain a fair, free, and full representation of the people,
in

in a house of real national representatives. Are we also willing to be treated as felons, for claiming this our inherent right, which we are determined never to forego but with our lives, and which none but thieves and traitors can wish to withhold from us? Consider, it is one and the same corrupt and corrupting influence which at this time domineers in Ireland, Scotland, and England. Can you believe that those who send virtuous Irishmen and Scotchmen, fettered with felons, to Botany Bay, do not meditate, and will not attempt to seize the first moment to send us after them? Or if we had not just cause to apprehend the same inhuman treatment; if, instead of the most imminent danger, we were in perfect safety from it; should we not disdain to enjoy any liberty or privilege whatever, in which our honest Irish and Scotch brethren did not equally and as fully participate with us? Their cause, then, and our's is the same. And it is both our duty and our interest to stand and fall together.—The Irish Parliament and the Scotch Judges, actuated by the same English influence, have brought us directly to the point. There is no farther step beyond that which they have taken. We are at issue. We must now chuse at once, either liberty or slavery for ourselves and our posterity. Will you wait till barracks are erected in every village, and till subsidized Hessians and Hanoverians are upon us?

“ You may ask, perhaps, by what means shall we seek redress?

“ We answer, that men in a state of civilized society are bound to seek redress of their grievances from the laws; as long as any redress can be obtained by the laws. But our common master whom we serve (whose law is a law of liberty, and whose service is perfect freedom) has taught us not to expect to gather grapes from thorns, nor figs from thistles. We must have redress from our own laws, and not from the laws of our plunderers, enemies, and oppressors.

“ There is no redress for a nation circumstanced as we are but in a fair, free, and full representation of the people.

“ Resolved, That during the ensuing session of Parliament, the general committee of this society do meet daily, for the purpose of watching the proceedings of the parliament, and the administration of the government of this country. And that upon the first introduction of any bill, or motion, inimical to the liberties of the people, such as for landing foreign troops in Great Britain or Ireland, for suspending the Habeas Corpus Act, for proclaiming Martial Law, or for preventing the people from meeting in Societies for Constitutional Information, or any other innovation of a similar nature, that on any of these emergencies, the general committee shall issue summonses to the

the delegates of each division, and also to the secretaries of the different societies affiliated and corresponding with this society, forthwith to call a general convention of the people, to be held at such place and in such a manner as shall be specified in the summons, for the purpose of taking such measures into their consideration.

“Resolved, That the preceding address and resolution be signed by the chairman, and printed and published.

“ J. MARTIN, Chairman,

“ T. HARDY, Secretary.”

Gentlemen, there are but few observations to be submitted to you upon this paper—You have heard it read, and there is nothing equivocal in the expressions, till you come to that which seems to be the result of the whole of their resolutions, namely, “ That there is no redress for a nation circumstanced as we are but in a fair, free, and full representation of the people of England.” Now, the short question which is submitted to your consideration is, do these people speak of redress to be obtained by a full, fair, and free representation of the people, who have said there is no redress to be hoped for from the law, and who have said they must seek redress from themselves, and cannot gather grapes from thorns, nor figs from thistles. Can they expect a full, fair, and free representation of the people by any due course of law of the constitution, or must they necessarily be understood to mean they will have that fair, free, and full representation of the people, by their own force, and by their own strength, independent of the laws of the constitution of the country.

Gentlemen, the next paper is a paper found upon Mr. Adams, dated the 24th of January, 1794, and purports to be a letter from Hardy, as secretary of the London Corresponding Society, transmitting a few copies of their late publication, that is, the address of the 20th of January. You recollect the paper read was found upon Adams.

William Walker was then called to prove the hand-writing of one Martin, being a letter addressed to Margarot, at the Tolbooth, in Edinburgh, it bears date 22d of January, 1794, and speaks of the meeting of the 20th, and of himself being in the chair; also giving an account how every thing passed; and an account of another general meeting being intended, for the purpose of obtaining subscriptions. There are a great many impudent and indecent expressions and observations upon the King, upon his going to and returning from the parliament house. He says he could write strange things, but he forbears. He says, a person of the name of Gay, whom he calls, “ Citizen Gay,” says more than I dare write; but I don’t find there is any other explanation than that—there was a person

person of the name of Gay proposed as a member of the Constitutional Society by Mr. Horne Tooke; if the letter amounts to no more than that, I think it is very unnecessary you should hear it read, as I wish to avoid, if possible, a repetition of that ribaldry contained in it against the person of the King, unless it is desired by the counsel on either side.

Gentlemen, the next piece of evidence is a paper produced by Mr. Walsh, found in the possession of Saint, at Norwich, it is dated the 11th of January, and is signed Thomas Hardy; you will hear that read.

“ Addressed to Mr. Charles Corbell, by St. Mary’s Church, Norwich.

“ London, January 11, 1794.

“ FELLOW CITIZENS,

“ I have just received a letter from citizen Margarot, at Edinburgh, with some of the Edinburgh Gazetteers, where you will see that citizen Skirving is found guilty, and sentenced for fourteen years transportation to Botany Bay. Margarot’s trial comes next; he meets it with great firmness and resolution. I have no time to make any comments on the proceedings, but I think our opponents are cutting their throats as fast as they can. Now is the time for us to do something worthy of men. The brave defenders of liberty, south of the English Channel, are performing wonders, driving their enemies before them like chaff before the whirlwind. Margarot tells me, that he has not time to write to you just now, but he hopes to have time very soon, when his trial is over, and immured in a prison. The London Corresponding Society is to have a general meeting and an anniversary dinner, on Monday the 20th instant, at the Globe Tavern, Fleet Street. I have sent you some of Margarot’s and Skirving’s indictment, with two copies of a pamphlet on Brewing. He is a member of our society, the author, if you approve of it, you may put it in practice, and be a great saving to many families, also a diminution of the revenue, for every one brewing their own beer pay no duty for it. Excuse haste. I still remain, &c.

(Signed)

“ T. HARDY.”

Gentlemen, the material passage in that paper is, “ Now is the time for us to do something worthy of men.” By way of explaining that it goes on to say, “ the brave defenders of liberty, south of the English channel, are performing wonders, driving their enemies before them like chaff before the whirlwind.” Now whether he means to drive the enemies before him as the defenders of liberty did south of the English channel or no, you must collect; he does not tell us what it is, but he says, “ now is the time for us to do something worthy of men.” There is a

passage in the latter part of it like malignity, and not worthy of notice, recommending them to brew their beer, in order to diminish the revenue, by paying no duty for it. Mr. Walsh then produced another paper, dated the 28th of January, from Hardy, to a person named Lawes, of St. Mary's, Norwich, in which there are passages pretty much of the same nature with the last. You will hear that read.

“Dated London, 28th January, 1794, signed T. Hardy, secretary, addressed to Mr. Wm. Lawes, St. Mary's, Norwich.

“FELLOW CITIZENS,

“On Friday last we answered your letter, and acknowledged at the same time the receipt of your declaration and resolutions, which we highly approve of—and which we have disseminated. We sent you also some addresses resolved upon at our meeting, and which we hope you will approve and answer without delay. The times are full of danger—we must be firm, active, and unanimous, or all is lost—no dilatory weakness, or we are undone.

“Yours, for the society,

“T. HARDY.

“P. S. I have just heard a report, that there are messengers sent down to Edinburgh, to bring Margarot and Skirving up to London.—Excuse haste. When you write again, please to send to me, under cover, to the same person.”

Gentlemen, they then went to the proceedings of the Constitutional Society, upon the 7th of February, 1794, when Mr. Horne Tooke was present. He moved that a circular letter be sent to each member of this society, with a statement of the case of Mr. Sinclair, delegate of this society, to Scotland, requesting their assistance to the fund already subscribed for him. That paper was found at Adams's, and it appears to be a rough draft of the resolutions, having Mr. H. Tooke's hand-writing in parts of it. The letter is signed J. H. Tooke, and is in these words:

“SIR,

“I am directed by the Society for Constitutional Information to write to all the members of that society, requesting their continuance towards the support of Mr. Sinclair, one of the delegates from the different constitutional societies in Scotland, lately met at Edinburgh, for the purpose of consulting together, and concerting the measures, which might be proper to be pursued, in order to obtain a fair representation of the people of Great Britain in Parliament. Mr. Sinclair, attending as delegate from the Society for Constitutional Information, has behaved, upon that occasion, with a moderation of temper, which has not only been highly approved, but has much endeared him to

to this society. For that conduct, which we highly approve, Mr. Sinclair was indicted in Scotland and returned to London upon bail, since that time Mr. Skirving and Mr. Margarot have been sentenced in Scotland, for the same conduct as Mr. Sinclair's, to fourteen years transportation. With the fate of Messrs. Palmer, Muir, Skirving, and Margarot, before his eyes, Mr. Sinclair has returned to Scotland in discharge of his faith as a private man towards his bail, and in discharge of his duty to an oppressed and insulted public. He has returned not to take a fair trial, but, as he is well persuaded, to a settled conviction and sentence; those sentences of transportation are novelties both to England and Scotland, and exceed in cruelty and impudence any thing practised in that odious and horrid reign of the Stuarts; and those sentences are to be carried into execution under the administration of Mr. Pitt, and by him, who formerly, though hypocritically and treacherously professed himself a strenuous advocate for a Parliamentary Reform, and himself met the delegates throughout England, assembled in convention, at the Thatched House Tavern, for the same purpose as that for which the late convention met in Scotland. Should it one day be the fate of Mr. Pitt to be tried by the people of this insulted and oppressed country, for his treachery to the cause of Parliamentary Reform, we trust they will never consent to send him to Botany Bay. In the mean time we earnestly solicit your assistance to alleviate the sufferings of Mr. Sinclair's situation, and to afford him every comfort in our power, under this disconsolate but meritorious martyrdom, in which and in worse, if there be worse, we declare ourselves ready to follow him in pursuit of the same object, viz. A fair Representation of the People in Parliament.

“ By order of the society,

“ JOHN HORNE TOOKE.”

Gentlemen, observations upon this letter are made to you, and it affords observations on both sides: on the part of the prosecution, they say, this unqualified approbation of Sinclair's conduct brings home to Mr. H. Tooke all the proceedings in Scotland, and imports his entire assent to them, and produces a degree of responsibility for them.—On the other hand, they say, this is too much to be inferred, because the great object was to solicit a subscription for Sinclair, which might be done by a man who thought he had suffered, without enquiring whether the person who solicited it approved of all he had done—that brought on those sufferings—that is hardly to be allowed to be a just observation upon the evidence, because it was not necessary for them to shew he had conducted himself satisfactorily to the society; unless they really approved of his conduct. A further observation arises, which is, that the writer of it, and the society

who directed it to be wrote, understood the proceedings in Scotland to have had the distinct object in view of a Parliamentary Reform, and no more, and concludes with supposing that was and is the object they mean to pursue:—whether that is the genuine sense, or whether it is prudent or proper a letter should be conceived in those terms, considering the general plan, is for you to consider—I have only stated how they put the observations on both sides.

Gentlemen, the next piece of evidence is a paper of the 14th February, Mr. H. Tooke being in the chair; it relates only to this letter, ordered to be sent round. Upon the 7th March, Mr. Tooke was present, when they read a letter from Mr. Sinclair, and it was resolved, that Mr. Hull be requested to obtain credit for Sinclair, at Edinburgh, on account of this society, and it was ordered that the secretary pay Mr. Williams 10l. to be remitted by him to Mr. Sinclair.

Gentlemen, they then read a letter from Margarot, dated 24th November, 1793, found upon Mr. Saint, in which he gives some history of those proceedings at Edinburgh, and it is very proper you should hear that read.

“Edinburgh, November 24th, 1793.

“GENTLEMEN,

“I yesterday received your letter of the 16th current, requesting your society to send a delegate.

“You know that at our arrival here we found that the convention had, after sitting four days, adjourned, and the delegates were all gone back to their respective habitations, without proceeding any further in the business of Reform, than simply agreeing that nothing short of universal suffrage and annual parliaments would satisfy them, and on that ground proposing not to send any petition to the King or to the Parliament, lest by so doing the enemies of reform might be tempted to counteract their wish, and exert themselves to prevent a peace; but at the same time it was recommended by the convention, that all friends to reform should sign any petition for peace, which might originate in another quarter. We soon prevailed on the Edinburgh committee to recal the adjourned convention; the country societies, informed that England meant to take a serious part in the great cause, sent back all their former delegates, and several of them who had not sent delegates to the prior convention, had sent some to this one. On Tuesday, the 19th instant, the convention opened. The number of delegates amounted to 180; some of them came even from so far as Cromartie; the reception we experienced was highly flattering, we mutually gave and received encouragement and animation. I shall not at present attempt to give you a minute detail of what has since passed,

fed, because the minutes are to be printed, and then I will not fail sending you a few copies of them, and will, I hope, be able at my return to come to Norwich, and give you an accurate verbal account of every transaction; mean time, if you have any instructions to give me, send them without delay, otherwise I shall act for you conformably to those laid down by the London Corresponding Society, a copy of which you doubtless have received from them. The convention have begun by establishing a set of rules for the organization of the present and even future conventions; next we established a Committee of Union between the two nations, a Committee of Finance, and a committee to take into consideration the protecting or establishing a patriotic newspaper. And on Saturday last we passed a provisional decree of union, the whole convention, standing hand in hand, solemnly pledged themselves to each other to renounce all national distinctions, to abide firmly and truly by each other, until the great end is obtained, and at the same time we assumed the title of the British Convention of Delegates of the People, associated to obtain Universal Suffrage and Annual Parliaments.

“MAURICE MARGAROT.”

Gentlemen, the principal use of this paper was, to shew you a little the nature of that convention, but the circumstance mentioned at last that the greatest hopes were from the country, is, perhaps, worthy some observation, because numbers of people supposed to entertain this opinion of parliamentary reform, and engaged in those societies, if they were once brought into action to be sure would be a very considerable body of people indeed, and extremely capable of introducing a very great effect upon the government of the country.

Gentlemen, the next paper is a letter, dated the 2d December, from Margarot to Hardy, produced by Gurnell; it relates to the business of returning from Scotland as soon as the convention was over; and it speaks of the necessity of one of them remaining there, and says, the convention was going on with great spirit—that it sat daily, and had come to a resolution, that upon any attempt to suspend the Habeas Corpus Bill, the introduction of a Convention Bill, or the landing of foreign troops, the delegates are immediately to assemble in convention. It then speaks of Sinclair, as if he had been abandoned by his own society—that seems to shew the Society for Constitutional Information was not very hearty in this business. I don't think it necessary to read that.

Gentlemen, the next paper is a letter, found upon Saint, of the 10th March, 1784, from Margarot to Norwich, from Spithead, in which he speaks of the French fleet being out, as a subject

subject of satisfaction, and exhorts them to persevere in the cause they were engaged in, and assuring them of his own intention to persevere. Then Maclean produces a paper, found at Mr. Adams's, dated the 26th May, 1792; it is a letter from Ashton, who was secretary to the Sheffield Society, to Adams, in answer to a letter of Adams's, written upon the 3d of that month: it speaks of the Society for Constitutional Information having accepted twelve members from Sheffield, to be associated with them, and congratulates the society upon enlightening the minds of the people;—it states their numbers to be 2,400. But if you recollect the evidence—it says that at no time they exceeded 600. It expresses the society to be dissatisfied with the conduct of the Friends of the People, at Freemason's Tavern,—it speaks of their having themselves written a letter to the Friends of the People, and had no answer, but that they had a packet from the Friends of the People, from Freemason's Tavern, and also a packet from the Friends of the People in Southwark, which they approved of; it speaks of having had communication with societies at Manchester, Birmingham, and other places, and hopes that those places will become useful to the common cause—that is the substance of the paper. The paper was found upon Adams, and Mr. Woodfall says there is a word interlined in Mr. Tooke's hand-writing; the observation I make upon a paper being in the hands of a person who would have received it in a regular course, without Mr. H. Tooke's interference, is, it is very likely the interlineation of that word might be made after it came into the possession of Adams, and that Mr. Tooke did nothing more than amuse himself with making it better English than it was before. It does not seem to me that it fairly ought to be pressed against him. Mr. Lauzun then produced a paper taken from Hardy, dated 4th March, 1793, being a draft of a letter from the London Corresponding Society, upon the subject of petitioning parliament, and he expresses himself as conveying the sense of that society that it would not produce a reform, but that if every town took a part in it they should then gain ground.

“ SIR,

4th March, 1793.

“ The London Corresponding Society have at present to acknowledge your last, and to answer more fully your preceding letter.

“ With regard to petitioning parliament, we are unanimous in the opinion, that such a petition will not produce a reform; yet for many considerations we are now persuaded, that if every society in the island will send forward a petition, we shall ultimately gain ground, for as much as it will force the present members of the senate to repeatedly discuss the subject, and their

their deliberations, printed in the different newspapers, will most naturally awaken the public mind toward the object of our pursuit; the nation once informed that a reform in parliament is sought for from different quarters, gives rise to debates in the House of Commons, and is acknowledged by every rank to be wanting, will begin to exercise their own reason on the subject; arrived at that period, we presume our business will be nearly accomplished.

“ Let us then closely follow up our Nottingham brethren; let every society petition separately; let every week furnish a fresh petition, and afford a fresh debate;—we seek to open the eyes of the public: petitions on our part, and rejections on the part of the ministry, will effectually do it. We therefore highly approve of your idea, and will ourselves follow it up, and recommend it to all the other societies we correspond with; and withal we recommend to you that no time be lost in so doing.

“ With you we lament the evils of an imprudent and inconsiderate war, a war rather eagerly sought for the advancement of private ends than carefully deprecated from considerations of public good—a contest unfavourable to this country, whether either France or Despotism gain the upper hand. We join with you in gratitude to those worthy members of either House who have endeavoured to avert this national calamity, to whom we have likewise returned our public thanks—and we remain with sincerity and affection,

“ Your friends and fellow-labourers,

“ ————— ”

Gentlemen, the next paper was dated the 10th June, 1793, signed by Margarot and Hardy, and directed to Mr. J. Kilminster, secretary to the Birmingham Society for Constitutional Information, wherein he speaks of the satisfaction the society had in receiving a letter from Birmingham, and there is an expression in it with respect to the Nero's of the day:—that letter must be read.

“ SIR,

10th June. 1793.

“ It is with singular satisfaction the committee of the London Corresponding Society received your letter; they are very glad to see the spirit of freedom springing up in Birmingham, and they make no doubt but that the zeal of your society and the increase of your numbers, will soon do away the stigma thrown on your town by the unjustifiable behaviour of a Church and King mob. We are entirely of your opinion with regard to the necessity of a general union; and we believe, as you do, that when once the country shall have so united, the Nero's of the day

day will be forced to yield to the just demand of a long and sore oppressed people.

"With pleasure we accept your proffered correspondence, and earnestly beg of you to let us hear from your society by every opportunity. We wish likewise you would point out to us some safe mode of conveyance for such informations and publications as we may think necessary to be transmitted to you.—The post we no way rely on, as many of our letters have already been intercepted.

"If any of the members of your society should have occasion to visit this metropolis, we hope you will not let him come without a letter from you, and that while they stay here they will frequently assist at the meetings of our several divisions, and by thus associating commence an union which we hope soon to see spread itself all over Britain.

"We will not enter into a detail of our grievances; we are equally well informed thereon, and all alike thoroughly convinced that nothing short of annual parliaments and universal suffrage can restore to us that degree of civil liberty we are justly entitled to, &c. &c.

"M. M. C.

"To Mr. J. Kilminster, secretary to the Birmingham Society for Constitutional Information."

"T. H. S.

Gentlemen, the next letter read is a letter found among Mr. Skirving's papers, at Edinburgh, from Hardy, dated 5th October, 1793, and it proposes to him to recommend to the London Corresponding Society to send delegates to the British Convention at Edinburgh: it mentions that he had communicated the idea of the British Convention to Margarot, who very much approved of it, but that he had mentioned it to nobody else.—He wishes Skirving to write an official letter to the society, but to take no notice he had written to him, and no doubt delegates would be sent. This was very material in the former cause, but nothing turns upon the manner or style of it now, further than that probably the occasion of the delegates being sent from England, was by the original interference of the people of the London Corresponding Society to get them to ask for it. They then read a paper found upon Skirving, purporting to be a certificate of Margarot's delegation, and a certificate of Gerald's delegation. The only material circumstance in that is, that the certificate expresses they are delegates to this convention, for the purpose of obtaining a reform in the parliamentary representation of the people of Great Britain, which, on the face of it, seems to be a very fair thing. Upon the 8th

November,

November, 1793, at a meeting of the Constitutional Society, Mr. Tooke being present, letters were read from Sheffield, Leeds, and Birmingham, in answer to the secretary's letter of the 28th of the last month. Those were found among Adams's papers. The Sheffield letter will be read to you.

“ Addressed to Mr. D. Adams, Attorney at Law, Tooke's Court, Chancery-Lane, London.

“ Sheffield Committee Room of the Constitutional Society,

“ SIR,

Nov. 1, 1793.

“ Your letter, and the resolution of the Society for Constitutional Information in London, are this moment delivered to me by Mr. Ashton, in answer to which I sit down instantly to inform you that the society has already transmitted its sentiments to the secretary of the convention at Edinburgh, Mr. Skirving, and declined sending a delegation, for reasons which I will transcribe in the words of our letter, ‘ That it would have given this society the most heartfelt satisfaction to have had a delegation present at their approaching convention, had we received timely notice of their wishes that it should be so—but it unfortunately happens, that all the gentlemen belonging to the society, which it would choose for so important a business, are so previously engaged in affairs which they cannot possibly postpone in so short an interval, that it is not in our power to comply with their requisition on the present occasion.’

“ This society are also of opinion, that to give such a measure its full effect, it would be necessary that the other societies in South Britain should have communication with each other on the subject, and be able to ascertain that deputations would be sent from at least a majority of the societies in this part of the kingdom. And to evince that we should be happy to unite our efforts with their's in one firm and settled plan, we assure them, that if they think proper to fix another meeting in January or February, or any other time which may be more agreeable, and give us immediate notice thereof, and that they wish to see delegates from the several societies in this part of the kingdom, we will write to all those we are in correspondence with, to get such a delegation as may be truly respectable and important.

“ The above extract will evince to you, Sir, and the Society for Constitutional Information, how far your proceeding meets with our approbation. There is a worthy member of this society and of the committee, and I believe also of the committee of twelve admitted into your society, Citizen Alcock, now in London, and I doubt not but he has, before this will reach you, given you the whole information herein contained; but so scrupulously exact am I in answering every letter on

public business, that I will not trust to him, though I know he is particularly desirous of being introduced to you.

"I was chosen secretary, *pro tempore*, to answer the letter from Mr. Skirving, and therefore continue the office thus much further, not to keep you in suspense, as the committee will not meet again before Wednesday next, and two or three of the members, who have seen your letter before I did, sent to request I would so do.

"I cannot close this letter without remarking, that all the societies we are in correspondence with, have been remarkably remiss in their communications for several months past; to many we have addressed more than one or two letters without receiving any answer. This society has been very active, and particularly in publishing, by which several individuals have suffered considerably, as the burthen has fallen chiefly on them. We have many thousand members, but a vast majority of them being working men, the war, which has deprived many of them of all employment, and almost every one of half his earnings, we have been crippled more than any other in the kingdom. We have the satisfaction to know that we have done great good, but I fear we must content ourselves with good intentions and wishes in future, as our funds are not only exhausted, but the society is considerably in debt, and that debt must fall on a few who have stood forward on every occasion with their zeal, their active efforts, and their credit.

"It appears to me, that if the societies do not become more active, and more united in their efforts in the time to come, what they have done hitherto will be rendered useless, and arbitrary power will trample on all that is dear and valuable to freemen. The measures lately adopted in the sister kingdom, measures as opposite to, and incompatible with a free constitution as fire and water, and since followed up by the most slavish and horrid doctrines in the courts in Scotland, have hitherto been viewed only with a degree of apathy by the great bodies of the kingdom, which we little folks in the country look up to for examples, styling themselves patriotic, such as, 'The Society for Constitutional Information in London,' 'The Friends of the People, ditto,' 'The Friends to the Liberty of the Press,' that we begin almost to think here, it is high time to nip those buds of freedom which were beginning to blossom with so much luxuriance, lest they should be exposed to the danger of being blighted by those torpid frosts which appear to have chilled every animating influence in those great barriers, which we looked too for defence and protection.

"I assure you, my good Sir, nothing is further from my intention than to give the smallest offence. I am a staunch democrat,

democrat, and speak my mind freely; and I hope you will consider what I have hinted at the supineness, which appears at present to possess too great a sway, as merely the effect of that warmth and zeal for the great cause we are both strenuous to support and forward, the cause of freedom and Parliamentary Reform.

" I am, with the greatest respect, Sir,

" Your most obedient servant,

" MATTHEW CAMPBELL BROWNE,

" Secretary, *pro tempore*, to the Constitutional Society, Sheffield."

Gentlemen, they then read the proceedings of the convention in Scotland, in order to shew that Matthew Campbell Browne had acted as a delegate there, and it did appear he had so acted: they then produced a letter found upon Adams, from the Leeds Society, dated the 5th November, 1793, expressing their satisfaction that the Constitutional Society had sent delegates. I am not aware of any thing more material than that, therefore that letter need not be read.

Walsh then produced a paper, found at Saints, at Norwich, being a letter from Hardy, dated 23d November, 1793, to the Norwich Societies, which you will now hear read.

" London Corresponding Society, Nov. 23, 1793.

" FELLOW CITIZENS,

" You have been already informed, by the correspondence subsisting between the respective divisions of the patriotic societies in England and Scotland, of the convention called and now sitting in Edinburgh, for the purpose of obtaining a speedy and radical reform in the system of parliamentary representation; and you are also in possession of the circumstances of our having sent two delegates, Margarot and Gerald, to represent our increasing society in that respectable assembly. The Society for Constitutional Information also elected two representatives, Yorke and Sinclair, the latter only of whom has gone to Scotland for the discharge of his important mission.

" Citizens, the object of our present letter is to inform you of the important communications which our mission has already produced. The spirit and resolution it has diffused through the respective societies in Scotland—the rapid increase of the avowed friends of liberty, which has already made its appearance, and the prospects which have been opened before us of the most complete union, the most determined perseverance, the most active exertion in every constitutional measure, that can be devised for the recovery of our rights, and the complete renovation of the liberties and happiness, which, as men, we are entitled to, and, as Britons, we have been taught to

Y y 2

expect.

expect. An increase of affection, of zeal, of confidence; a concert of permanent union; a free communication and comparison of sentiments and intentions; mature deliberation and mutual reliance—these are the fruits of the wise and spirited measures adopted by the Friends of Liberty in Scotland, and seconded by the societies of London and of Ireland.

“ Britons, and fellow-citizens! let us rouse you to immediate co-operation with these efforts for the general good;—let us awake you to a sense of the importance of the present moment, and persuade you, persuade all the patriotic societies in England, to strengthen immediate junction with this grand federation;—that as those who are hostile to our freedom are already united by compacts, interests, and coalitions, the friends also of that glorious principle may be bound together by a link more firm, more intimate, and more durable, to resist every oppression and usurpation that may be attempted, and vindicate the rights of man.

“ The society at Norwich has already, in some degree, imitated our example: for though time and convenience did not permit them to elect a separate delegate, they have sent a written authority to Citizen ———, to act for them in that capacity, together with instructions to enable him to state their sentiments to the convention, and directions for him to correspond with them, and render their fraternity more complete.

“ Citizens! permit us to unite our voices with those of our brethren in the North, to request you, by some such method (if you cannot render it convenient immediately to send a delegate of your own) to assist the closer union, and more immediate communication of the respective societies. Persuaded as we are that the Friends of Liberty, if encouraged by the conviction of general union to step forward and avow their sentiments, are already so numerous and respectable, as to ensure a speedy termination of the calamities of an unjustifiable war, and a restoration of every right to which Britons and freemen are entitled:

“ We are, in the firm assurance of your zeal and sincerity in the cause of liberty,

“ Your affectionate Fellow-Citizens.

“ P. S. I received your letter, and I sent it to Edinburgh according to your direction.”

Gentlemen, on the 6th December, 1793, Mr. H. Tooke was present at a meeting of the Constitutional Society, when they received a letter from their delegate to the convention at Edinburgh, dated the 7th November, and another on the 12th: they resolved that there should be a general meeting called for the second Friday in January, for the purpose of considering the
important

important letters received from the delegate Mr. Sinclair, and a committee was appointed to correspond with him, but you observe Mr. Tooke is not one of them so appointed.

Gentlemen, Maclean then produced a paper, found at Adams's, dated the 7th November, 1793; it is a letter from Sinclair to Adams, and it speaks of his having acted in union with the delegates of the Corresponding Society. It uses the phrase of the borough-mongers being greater there than in England: from those words it rather seems to shew an idea that these people were pursuing a parliamentary reform, it is not easy to reconcile that with an idea of a different nature. They then read the letter of the 12th November, which recommends the appointment of a Secret and Select Committee, to receive such select communications as may be referred to them, and to return immediate answers. It says, "A committee of that kind, formed of the talents and integrity of the society ought to be confided in here as the advanced guard." The desire that a Secret and Select Committee may be appointed to receive letters, and to answer them, seems to shew something very secret, and to have a more serious aspect than what is general in the ordinary course taken by delegates, to produce a parliamentary reform.

The next was a letter found upon Adams from Skirving, which appears to be a circular letter; how it found its way into the hands of Adams does not appear:—it says, that the delegates from the societies in London had arrived, and that others were expected—that its object was to establish an indissoluble union between the two countries. The delegates had returned home after having adjourned the convention to the 19th November, and this letter was to re-collect them.—That need not be read.

The next evidence was a letter to Hardy, dated the 24th January, 1794, found in his possession, being a letter from Margarot, who was in the Tolbooth, to him: he says, that letter was a private letter, but with liberty to shew it to any person, where it can be made use of—he says, that the Sheffield people seem more in earnest than the Londoners; and then he mentions one circumstance very material, "that armed associations are set on foot by the rich," and then he says, "why should not the poor do the same."—This man was a delegate from Sheffield as well as from London—you recollect the circumstance of the Sheffield pikes breaking out in the month of March or April, therefore, whether this hint has any connection with the Sheffield pikes, may be a little worth consideration. He asks, "whether they will stretch out their necks like lambs to the butcher's knife, or whether they will become free?"—This seems to be all that arises upon that.

They

They then call Richard Williams who proves a paper produced to be Mr. Thelwall's hand-writing, who is one of the persons upon the committee of Correspondence and Co-operation, which is the ground-work of the present charge; it is a letter addressed to Citizen Jack Vellum. That letter I believe it will be necessary to read.

"DEAR JACK,

"I send you three dozen of songs, copies of either of which I would have you give to whoever may ask for them that is likely to sing them; I believe at this time they will do a great deal of good, when disseminated. I have printed 3,000 of each, and they sell like wild fire. I send you also a little pamphlet, containing an extract from a speech of mine, for publishing which the bookseller is now in Newgate, and is to be tried for sedition. I send you also a copy of the indictment—shew them among your friends, as they will illustrate one of the songs; one of them was drawn up by myself, the other is part of it in the hand-writing of Mr. H. Tooke, and the other is in the hand-writing of the Citizen who has signed it. At our last meeting we had above 1,000 people present—it was a glorious day of triumph to liberty, to which Great Britain will hereafter owe a considerable part of her happiness; I was chairman at the dinner, and I assure you I gave some fine toasts—Ah! ca-ira, ca-ira, ca-ira! Give some copies of the resolutions about to your friends, in order to set tyrants and tyranny at defiance;—read and spread them about as much as you can. I have distributed upwards of 1,500 with my own hands. London is not the only place alive, Scotland is full of liberty boys, and Sheffield, Norwich, and Manchester are the same. In short, I believe the country will not be humbugged any longer, and before half of the next campaign is over, the wise men of Gotham will be obliged to recal their troops.—Adieu, Citizen Jack, I can think of nothing but politics. If you have any advice to give me, pray do it plump and open, and without any apology, for it is the duty of friends to speak their minds without restraint, and remember, I am the advocate of equality and perfect freedom.

"Your's,

"J. THELWALL.

"P. S. I send you some resolutions which have been passed.—Sinclair set off last night to be tried, cast, and sentenced for transportation."

Gentlemen, The general tenor of this letter, and part of the observations, is proper to be stated to you. Thelwall says that Mr. H. Tooke prepared a part of the song. This letter is not properly evidence to prove that fact against Mr. Tooke. It proves that this man understood it so, and it may be some slight evidence against him, but it is not a direct proof of the fact.

Gentlemen,

Gentlemen, upon the 21st March, 1794, there was another meeting of the Constitutional Society, at which Mr. H. Tooke was present—the resolutions should be read.

“ Resolved unanimously, That the secretary of this society be directed to write to the Friends of Peace and Reform, at Sheffield, and to assure them that this society views with pleasure, their steady exertions to obtain a fair representation of the people of Great Britain in parliament, and the proper methods which may be appointed for public fasts.

“ Resolved unanimously, that the above resolution be published in the newspapers.

“ Resolved, That the anniversary dinner of this society be held on Friday, the 2d of May, at the Crown and Anchor Tavern, Strand.

“ Resolved, That Citizen Wharton be requested to take the chair that day.

“ Resolved, That Citizens Wardle, Gatfield, Thelwall, and Sharpe, be requested to take the office of stewards on that day.”

This appears to me to be the first time that the term citizen was used in the Constitutional Society.

Upon 28th March 1794, at a meeting of the Constitutional Society, Mr. Tooke being present, a letter from the London Corresponding Society was entered on the books; it is dated the 27th March, and transmitted the resolution of the London Corresponding Society for a convention—it must now be read.

“ CITIZEN,

March 27, 1794

“ I am directed by the London Corresponding Society to transmit the following resolutions to the Society for Constitutional Information, and to request the sentiments of that society respecting the important measures which the present juncture of affairs seem to require.

“ The London Corresponding Society conceives that the moment is arrived, when a full and explicit declaration is necessary from all the friends of freedom—whether the late illegal and unheard-of prosecutions and sentences shall determine us to abandon our cause, or shall excite us to pursue a radical reform, with an ardour proportioned to the magnitude of the object, and with a zeal as distinguished on our parts as the treachery of others in the same glorious cause is notorious. The Society for Constitutional Information is therefore required to determine, whether or no they will be ready, when called upon, to act in conjunction with this and other societies, to obtain a fair representation of the people—whether they concur with us in seeing the necessity of a speedy convention, for the purpose of obtaining, in a constitutional and legal method, a redress of those
grievances

grievances under which we at present labour, and which can only be effectually removed by a full and fair representation of the people of Great Britain. The London Corresponding Society cannot but remind their friends that the present crisis demands all the prudence, unanimity, and vigour, that ever may or can be exerted by men and Britons; nor do they doubt but that manly firmness and consistency will finally, and they believe shortly, terminate in the full accomplishment of all their wishes.

"I am, Fellow Citizen,

("In my humble measure)

"A friend to the rights of man,

(Signed)

"T. HARDY, Secretary."

"Resolved unanimously, 1st. That dear as justice and liberty are to Britons, yet the value of them is comparatively small without a dependence on their permanency; and there can be no security for the continuance of any right but in equal laws.

"2d. That equal laws can never be expected but by a full and fair representation of the people; to obtain which, in the way pointed out by the constitution, has been and is the sole object of this society. For this we are ready to hazard everything, and never, but with our lives, will we relinquish an object which involves the happiness or even the political existence of ourselves and posterity.

"3d. That it is the decided opinion of this society, that to secure ourselves from future illegal and scandalous prosecutions, to prevent a repetition of wicked and unjust sentences, and to recal those wise and wholesome laws that have been wrested from us, and of which scarcely a vestige remains, there ought to be immediately a convention of the people, by delegates deputed for that purpose from the different societies of the Friends of Freedom assembled in various parts of this nation. And we pledge ourselves to the public to pursue every legal method speedily to accomplish so desirable a purpose.

"P. S. I have to inform you, that a general meeting of the society will be holden on Monday the 14th April, the place to be announced by public advertisement.

"Resolved, That it is fit and proper, and the duty of this society, to send an answer to the London Corresponding Society.

"Ordered, That the secretary acquaint the London Corresponding Society, that we have received their communication, and heartily concur with them in the objects they have in view; and that, for the purpose of a more speedy and effectual co-operation, we invite them to send to this society, next Friday evening, a delegation of some of their members."

Gentlemen, the next paper was found upon Adams ; it is a letter transmitting the names of five persons appointed to hold correspondence with the members of the Constitutional Society, namely, Baxter, Moore, Thelwall, Hodgson, and Lovett.

At a meeting of the Constitutional Society, on the 4th of April, 1794, Mr. Tooke appears to be present, a letter was read from the committee of the London Corresponding Society ; and there was a committee appointed to correspond with them, of which Mr. Tooke was one, and they were ordered to meet those persons appointed by the London Corresponding Society.

Upon the 11th of April, 1794, Mr. Tooke was present, and Hardy also ; and there is a report of the result of that conference made by Mr. Joyce. That report must now be read.

" Mr. Joyce made the report of the meeting of the delegates of the London Corresponding Society, for the purpose of this society co-operating with the London Corresponding Society ; and that they had come to the following resolutions :

" 1st. Resolved, That it appears to this Committee very desirable that a general meeting or convention of the Friends of Liberty should be called, for the purpose of taking into consideration the proper methods of obtaining a full and fair representation of the people.

" 2d. Resolved, That it is recommended to the Society for Constitutional Information, and the London Corresponding Society, to institute a regular and pressing correspondence with all those parts of the country where such measures may be likely to be promoted, not only to instigate the societies already formed, but to endeavour also to produce such other associations as may further the general object.

" Resolved, That it appears to this committee, that the general object will be much promoted, if a standing committee of co-operation between the two societies were established, for the purpose of holding personal communication with such members of similar societies, in other parts of the country, as may occasionally be in London, and who may be authorized by their respective societies to act with such committees.

" Read a letter from the secretary to the London Corresponding Society.

" Resolved, That the report of the committee of delegates from the London Corresponding Society, and of this society, be entered on the books of this society.

" 1st. Resolved, That it appears to this society very desirable that a general meeting of the Friends of Liberty should be called, for the purpose of taking into consideration the proper methods of obtaining a full and fair representation of the people.

" 2d. Resolved, That it appears to this society that the general

object will be much promoted if a standing committee of co-operation were established, for the purpose of holding personal communication with such members of similar societies in other parts of the country as may occasionally be in London, and who may be authorized by their respective societies to act with such committees.

“ 3d. Resolved, That the Committee of Correspondence, already appointed by this society, be the committee of co-operation and communication with the committees of other societies.

“ Ordered, That the secretary be desired to send a letter to the London Corresponding Society, acquainting them with the members of this society appointed to confer with them.

“ Resolved, That Mr. Joyce be requested to accept of the office of Secretary to the Committee of Correspondence.

“ Mr. Joyce being present, accepted of the said office.”

Gentlemen, you will recollect upon the evidence of Mr. Adams it seemed to be proved, that though Mr. Horne Tooke's name is set down as if he had been present at the appointment of the Committee of Correspondence, and also at the time of the report, and the result of the conference, that in fact he was not present, but that he went away, and that it was a mistake on the part of the prosecution to fix upon Mr. Horne Tooke the knowledge and assent to those measures whether he was actually present at the time that they appeared to have passed, or was not present; they produce from Mr. Adams's papers, a paper which Mr. Woodfall proved to have Mr. Tooke's hand-writing to it in several places, it purports to be the minute of the resolution, as it was delivered in by Mr. Joyce, to have certain alterations made in it by the help of drawing a circle round words which adapted it to the state in which it appears as a resolution of the society; but that is a fact for you to consider; to be sure that paper being distinctly proved to have so much of Mr. Horne Tooke's hand-writing, he must be supposed to have considered it, and read it; and, therefore, his knowledge is a participation of the consent, whether he was actually present or not. That paper was read to you—you saw it; and, therefore, it is not necessary to have it read again.

Gentlemen, Maclean then produced from among Adams's papers, a paper which Grant proves to be Hardys's hand-writing, this is only to confirm and strengthen this part of the evidence of the transaction between the two societies; they then read a paper, dated the 28th of March, which is a paper in the hand-writing of Hardy sent to Mr. Adams, and which has been read. They then produce from among the papers, in the possession of Saint, at Norwich, a circular letter, signed Thomas Hardy; and

and they also produce a bundle of those papers found at Hardy's house. The circular letter it will be proper to read.

" CITIZENS,

" The critical moment is arrived, and Britons must either assert with zeal and firmness their claims to liberty, or yield without resistance to the chains that ministerial usurpation is forging for them. Will you co-operate with us in the only peaceable measure that now presents itself with any prospect of success? We need not intimate to you that, notwithstanding the unparalleled audacity of a corrupt and overbearing faction, which at present tramples on the rights and liberties of the people, our meetings cannot, in England, be interrupted without the previous adoption of a convention bill; a measure it is our duty to anticipate, that the ties of union may be more firmly drawn, and the sentiments and views of the different societies throughout the nation be compared, while it is yet in our power; so as to guide and direct the future operations of the friends of freedom. Rouse then to one exertion more; and let us shew our consciousness of this important truth—"If we are to be beaten down with threats, prosecutions, and illegal sentences, we are unworthy—we are incapable of liberty."—We must, however, be expeditious. Hessians and Austrians, are already among us; and, if we tamely submit, a cloud of these armed barbarians may shortly be poured in upon us. Let us form, then, another British Convention. We have a central situation in our view, which, we believe, would be most convenient for the whole island; but which we forbear to mention, (entreating your confidence in this particular) till we have the answer of the societies with which we are in correspondence. Let us have your answer, then, by the 20th at farthest, earlier if possible, whether you approve of the measure, and how many delegates you can send, with the number also, if possible, of your societies.

" We remain yours,

" In civic affection,

" The London Corresponding Society,

" T. HARDY, Secretary.

" For the management of this business we have appointed a secret committee; you will judge how far it is necessary for you to do the same."

Gentlemen, you observe upon this circular letter, the language of it was, that the convention, that was to be held, was to be a peaceable meeting; he says, "It is the only possible step that can be taken with any prospect of success." He accompanies it with an introduction supposing a great deal of violence necessary to be used; he says, "Hessians and Austrians are already among us, and if we tamely submit, a cloud

of these armed barbarians may shortly be poured in upon us.”—

What peaceable convention that was, which was to use force you don't see. With respect to the manner of conducting it, it is proved to be this; there was a solemn affectation of secrecy, and recommending a secret committee, which has an air of great importance in the measure, and such as necessarily tends to create a certain degree of suspicion; how much you will judge of from the general context of the evidence. It appears by papers found upon Hardy, the circular letter had been issued, but the date of it does not appear. It appears there was a letter of the 9th of April, 1794, from Alexander Mitchell, addressed to Hardy, and purports to be an answer to this circular letter, and informs him of their society having elected a delegate and appointed a secret committee, referring to the contents of the circular letter.

Then Walsh produces a paper found at Saint's, dated the 24th of February, 1794, which purports to be an account of a general meeting of delegates at Norwich, and the resolution to send delegates to this convention.

Gurnell then produced a letter from John Cockburn, of Bristol, to Hardy, and he approves of this convention.

They then read a letter from Newcastle upon Tyne, dated 24th of April, 1794, to Hardy, which says, “We live in a place where aristocrat magistracy endeavours to stop the genial and benign spirit of national liberty from spreading.” It then says, “farewel, hoping the hydra of tyranny and imposition may soon fall under the guillotine of truth and reason.” There is then an answer read in evidence, directed as that letter desires it might, and that answer it may be proper to read, as it echoes back again the expression, hoping “the hydra of tyranny and imposition may fall under the guillotine of truth and reason.”

“CITIZEN,

“1st May, 1794.

“It is with pleasure the London Corresponding Society hear that a society on a similar plan, and with the same patriotic objects in view, is likely to be established at Newcastle upon Tyne—If ever a crisis arrived that required the exertions of the people to stop the torrent of corruption, infamy, and despotism, that seems likely to overwhelm them, it is the present—in God's name, then, let us use these exertions. We are called upon by every thing that is dear to us, as men and as christians.—The cause of truth and liberty must finally be omnipotent; therefore doubt not that the glorious reign of liberty and equality will ere long be established, and modern governments, with every appendage of wickedness and corruption, will flee in time from their genial influence, as beasts of prey to their dens of rapine

pine and darkness from the rising sun. The London Corresponding Society have beheld with indignation the rapid advances of despotism in Britain, and are ready cordially to unite with every other society in the three kingdoms, who have for their object a full and effectual representation of the people; they, therefore, have deputed six of their members to meet six members of the society for Constitutional Information, to form a committee of correspondence and co-operation; this committee meets regularly twice a week, at No. 2, Beaufort Buildings, Strand, where any member delegated by your society will meet with every information required.—We inclose you a few of our resolutions, entered into at our general meeting on the 14th of April, which will be sufficiently explanatory of our sentiments and views. We heartily unite with you in wishing that the hydra of tyranny and imposition may soon fall under the guillotine of truth and reason.

“ T. HARDY, Secretary.”

Gentlemen, the next is a paper taken from Thelwall, it imports to be a letter from Broomhead, of Sheffield, to Hardy.—How it came into the hands of Thelwall it is difficult to be collected; it speaks of there having been a meeting at Halifax, in the open air, and of there having been a meeting, at which it was proposed there should be delegates to consider of measures for holding a convention, and it was postponed till they could get information on the subject. I thought that could be accounted for, but I see it goes to another paper, according to the books of the Constitutional Society, it appears there was paid, by order of Mr. Tooke, six guineas to Thelwall, upon the 13th March, 1794. The occasion of that payment appears by a paper found upon Adams; he desires, as from Horne Tooke, a list of the society for Constitutional Information, and desires six guineas might be paid to him for printing the last 2500 addresses, which six guineas were paid. The addresses were probably addresses proposed at the Globe Tavern, of the 20th of January.

Lauzun then produced a book found at Hardy's, entitled, “ Fast Day, as observed at Sheffield;” and on the 21st March, 1794, it appears by the book of the Constitutional Society, that they had approved of the resolutions, and of the manner in which that day had been observed. I believe that book was read, it can hardly be necessary to read the whole of it; the lecture may be left out; it was a very indecent comparison of the sons of Ahab with other things, and does not lead very particularly to throw any light upon the present subject, therefore, it may as well be spared, but the resolutions must be read.

“ Resolved

“ Resolved Unanimously,

1. “ That war, the wretched artifice of courts, is a system of rapine and blood; unworthy of rational beings, and utterly repugnant to the mild and benevolent principles of the Christian religion.

2. “ That if the present war, be a war of combined Kings against the people of France, to overthrow that liberty which they are struggling to establish, it is, in our opinion, a war of the most diabolical kind.

3. “ That when public fasts and humiliations are ordered with the same breath which commands the shedding of oceans of human blood—however they may answer the purposes of state policy—they are solemn prostitutions of religion.

4. “ That the landing of Hessian troops in this country (a ferocious and unprincipled hord of butchers) without consent of parliament, has a suspicious and alarming appearance, is contrary to the spirit of our constitution, and deserving of the marked indignation of every Englishman.

5. “ That it is high time to be on our guard, since these armed monsters, may, in a moment, be let loose upon us, particularly, as the erection of barracks throughout the kingdom, may only have been an introductory measure to the filling them with foreign mercenaries.

6. “ That the high and freeborn minds of Britons, revolt at the idea of such a slavish system, and cannot be so far broken as to kiss the hand which would chain them to its will.

7. “ That peace and liberty are the offspring of Heaven, and that life without them is a burden.

8. “ That the thanks of this meeting are due to Earl Stanhope, for his motion and spirited speech for acknowledging the French Republic, and restoring peace to our distressed country; for his motions and able speech in behalf of the persecuted and suffering patriots, Mess. Muir, Palmer, Skirving and Margarot, in which he nobly stood alone; and also for the whole of his truly animated and benevolent exertions in support of the injured Rights of the People.

9. “ The thanks of this meeting are also due to Mr. Sheridan, for his nervous and eloquent speeches in the cause of injured patriotism, and in support of the constitution; and also to every other member of parliament who has nobly stood forward, at this important crisis, in support of the constitutional liberties of Englishmen.

10. “ That if any thing had been necessary to have convinced us of the total inefficacy of argument against a ministerial majority, the decisions which have lately taken place in parliament, would have fully confirmed our opinion.

11. “ That,

11. "That, therefore, the people have no remedy for their grievances, but a reform in parliament—a measure which we determine never to relinquish, though we follow our brethren in the same glorious cause to Botany Bay.

"W. CAMAGE, Chairman."

"London Corresponding Society, united for a Reform in Parliament, Committee Room, March 20th, 1794.

"Resolved, that the society approve the sentiments contained in the serious Lecture delivered to the Constitutional Society at Sheffield, on the 28th of last March, and earnestly recommend it to the perusal of all who think civil and religious liberty a blessing.

"Resolved, That the commanding a general fast for the purpose of imploring the divine Father of mercy and peace to support and prosper us in the horrid act of deliberately destroying our fellow-creatures, is repugnant to the true spirit and principles of christianity, where we are commanded to pray for our enemies, &c. And further, considering that a great part of the people are unacquainted with the nature of the present war, either as to its justice or necessity (every endeavour being used to keep them ignorant of the real principles and designs for which it was commenced) to approach and to supplicate the Omniscient Power under such circumstances and for such a purpose, must, indeed, be dreadful, since knowledge and conviction are wanting the worse than hypocritical hearts of those who are the authors of such measures, although they, at present, impose upon the ignorant and credulous; by such a detestable, such a pretended shew of religion, cannot escape the chastisement of that power whom they thus insult, and from whose judgment there is no appeal.

"T. HARDY, Secretary."

"Society for Constitutional Information, March 21st, 1794.

"Resolved, That the Secretary of this Society be directed to write to the Friends of Peace and Reform, at Sheffield, and to assure them that this society views with pleasure their steady exertions to obtain a fair representation of the people of Great Britain in parliament, and the proper method which they have taken to employ usefully those days which may be appointed for public fasts.

"D. ADAMS, Secretary."

Gentlemen, they then call William Broomhead, who says he was a member of the Sheffield society, and was secretary for about five months before he was apprehended; that he knew Yorke occasionally at Sheffield; he says, he remembers a meeting held at the Castle Hill, upon the 7th of April; he says, there had been a previous meeting between himself, Gale, and Yorke, and some few

few others ; that at that meeting certain resolutions were drawn up ; and it was settled at that meeting there should be a motion made to petition parliament, which was to be negatived, and he was ordered to make the motion ; accordingly he made it, but nobody seconded it—and so it passed ; he could not say that the people, when it was moved, said any thing for or against it ; that people at such meetings generally wait for the countenance of their leaders ; he says, Yorke made a speech, and when the witness had gone thus far, they produced a paper found upon Adams by Maclean, which was shewn to the witness, and the witness says, that paper was one of a number of printed papers he had sent up in a box to Hardy ; he says, he might also send some to Adams for any thing he knows, but he remembers very well sending some to Hardy. It was then read as it will be now.

“ PROCEEDINGS OF THE PUBLIC MEETING.

“ In pursuance of a public advertisement, a general meeting of the Friends of Justice, Liberty and Humanity, was held, at three o'clock, on Monday the 7th of April, 1794, on the Castle Hill, in Sheffield, to consider upon the propriety of addressing the King, in behalf of the persecuted patriots, Citizens Muir, Palmer, Skirving, Margarot, and Gerald ; also of again petitioning the House of Commons for a reform in the representation of the people, and to determine upon the propriety of petitioning the King, for the total and unqualified abolition of Negro Slavery.

“ Notwithstanding the inclemency of the weather, (very severe rains having fallen until within a quarter of an hour of the appointed time of the meeting) from ten to twelve thousand people were assembled on the occasion :

“ HENRY YORKE having been voted to the Chair.

“ The business was opened by reading the following Address to the King, in behalf of the suffering Patriots.

“ TO THE KING.

“ An Address from the Inhabitants of the town and neighbourhood of Sheffield, in the county of York.

“ SIRE,

“ We, the undersigned, being warm friends of liberty and the rights of man, feel ourselves deeply affected by the sentences which have lately been passed in your Majesty's courts of Scotland, upon Citizens Muir, Palmer, Skirving, Margarot and Gerald.

“ Had these men been really guilty of *crimes*, their punishment should doubtless have been proportionate to their offences ; but, so far from considering it as crime for a man to use every constitutional means in his power to effect a Reform in the Commons' House of Parliament, we think that every man who

thus exerts himself, deserves well of his country; since we are persuaded that nothing short of the accomplishment of such a reform will restore peace and happiness to our present aggrieved and injured nation.

“ We trusted also, that your Majesty entertained the same opinion with us of such exalted conduct, from your Majesty’s having chosen for your most confidential servants in the state, men who had singularly distinguished themselves by their patriotic exertions in the cause of Parliamentary Reform :

“ But the friends of these sufferers having brought their case before parliament, without producing the desired effect—the principal of those very servants of your Majesty having opposed the measure with all his corrupt, but irresistible influence—seeing no other resource, we approach your Majesty in this address, to intreat your Majesty to interfere in behalf of these (whom we deem) innocent men, with that power which the British constitution has placed in your Majesty, of pardoning whom your Majesty pleases—a privilege which is sometimes graciously extended even to real and palpable criminals.

“ Let it not be recorded in the history of this country, that King George III. or any of his Judges, transported men for fourteen years, because they had dared to speak the same words, upon a speculative subject, which, if they were not the immediate means of advancing his Majesty’s then prime minister to his high situation, caused his election to be remarkably popular: Let it not be said, that men of education, of refined sentiments, of the most virtuous and benevolent characters, were severed from their dearest connections, and plunged into dungeons with thieves and prostitutes: Let it not be said, that fathers were torn from their wives and children, and sons from their aged parents, because they had the virtue openly to condemn the acknowledged corruptions of government, and to exert every peaceable means in their power to remove them: Let it not be said, that it was as great a crime to speak the truth, as to be guilty of felony.

“ But rather, O King, let it be recorded, that George III. had the wisdom, the humanity, and the justice, to step in betwixt these severe and cruel sentences and their execution.

“ These are our desires—these our plain sentiments. We know they are such as your Majesty is unaccustomed to hear; but, if they are supported by truth and reason, suffer not the homeliness of our manner to offend your Majesty. We are plain men, and will not flatter a King. If our wishes be attended to, we are persuaded it will, in some good degree, hush the murmurs which unreasonable severity in a government never fails to excite: and it may also avert that storm, which it is but too evi-

dent has long been awfully gathering, and which may burst forth in a moment when your Majesty thinks not."

"The address being read, and received with repeated applauses, then Henry Yorke addressed the meeting in support of the measure. He observed, that the cause for which our countrymen were now suffering, was the same as had been advocated in the year 1783, by Mr. Pitt, the Duke of Richmond, and other men, who were at this time pensioners and placemen under the actual government; that a convention, for the purpose of obtaining a Parliamentary Reform, had been held at the Thatched House Tavern, in which these men went as delegates, or acted as assistants; that it was cruel, if not unjust, to punish men for following the example which those in power had set them. The question was not a question of convenience, but of right. It was not enough to say, that the people were formerly represented, but that they had a right to be represented now. Did the ministry therefore mean to assert, that what was right to-day was wrong to-morrow? Did they mean to declare, in the face of the world, that what was in conformity to the maxims of justice at that time, should, in so short a space, be deemed unjust, and punished as a crime?

"After having expatiated considerably on this very important subject, he proceeded with observing, that in all countries where severe and sanguinary punishments were encouraged, men could have no affection for the government under which they lived, and their obedience to it could result solely from motives of fear. That liberty of opinion could not be denied to any free country, without denying at the same time the rights of the people. That nothing argued more strongly against a government than the uniform design of depriving the people of this liberty; that it was a proof that something went wrong; and that even governors were ashamed of their conduct, when the right of discussion was violated or put an end to. The civil liberty we enjoyed in our country was the effect of political discussion; and its political liberty would have long since been restored and secured, if our rulers had not interposed to weaken or annihilate this right: First, by giving a power of decision to Judges, which the ancient law of the land did not acknowledge: Secondly, by confounding the truth with the fact of publication: And, thirdly, by having punished with the utmost severity libels in private cases, to prepare the public mind for those severe sentences in public ones, which dishonoured and irritated the nation. It had been lately the fashion to confound government with the constitution, and the ministry with the government. To oppose, therefore, the mad and wild, if not criminal schemes of administration,

stration, was to oppose government, and, by this mode of reasoning, to oppose government was to be an enemy to the constitution. A government can never give a more authentic proof of its propension to tyranny, and of the impropriety, as well as impolicy of its measures, than by restraining or forbidding the liberty of discussing matters of legislation and policy. It is debating the character of man, as an intellectual being, to deny him the right of enquiring into that which even governors allow was made for his use, namely, government.

“ To punish inquiry, severity is exercised for imaginary guilt. But what is the effect? Mischief is prolific: Violence in government begets resentment in the people, who murmur and exclaim: Government is provoked, and studies vengeance. When one act of vengeance is exposed, more always follow. Affection is lost on both sides, and, what is worse, is irrecoverable. Hatred begins: and the government and the people being at variance, consider each other no longer as magistrate and subject, but as mutual enemies. Hence the inhuman wish of Caligula, that he could murder all the people at one blow. The sequel is in order: He is continually destroying them; they are continually wishing him destroyed.—Such conduct had the fatal tendency of cramping the genius of men, and of replunging the nation into a state of barbarism with regard to their religion, their laws, their morals, and their government, and to keep them ignorant of the most important concerns in their trade, their splendour, and their felicity; whilst all the nations around them were improving themselves in morals and policy, by the daring efforts and concurrence of enlightened men, whose views were directed to those objects alone which were really worth their attention. The reasoning of a government, which prohibits information, is defective in every particular; its progress is not to be stopped, nor even to be checked, without manifest disadvantage. Prohibition has no other effect than to irritate men; to inspire them with an idea of insurrection, and to give all their writings a libellous tendency. Severe and arbitrary sentences may intimidate; but they cannot convince a nation. It is by reason and argument alone, opposed to apparent reason and apparent argument, that a government can hope to be victorious over its internal enemies, or render itself permanent by the quiet and conscientious concurrence of all its citizens. It is doing too much honour to innocent subjects to be alarmed at a few pages of writing, or at a few fugitive orations, when barracks are erected in a country, and 60,000 armed mercenaries are ready to execute the mandates of government.—Experience had proved, that the rigorous prosecutions which had lately taken place throughout England, and that the cruel sentences which had disgraced

the capital of Scotland, had not answered the purpose of establishing arbitrary power, and of crushing the rebellion of honest minds. Although there is no spirit so erect and independent as not to be broken by the long continuance of the silent and inglorious sufferings of a jail; yet it had been found, that men were proud to step forward in this most stormy season, when such terrible examples of legal vengeance had been held up before them, to plead the ancient rights of their country, to unmask the infamy, intrigue, and murderous projects of administration, and, according to the principles of the purest benevolence, to assert the liberty of the whole human race. The present times bear a strong and marked resemblance to those terrific ages when priests held their dominion over the minds and consciences of men, and when they endeavoured to establish the reign of intolerance and orthodoxy amidst flakes of fire, and streams of human blood. All history had evinced, that every attempt to curb and bridle the expansion of the human mind had been ineffectual; it had evinced, that opinions, though smothered for a time, burst forth with redoubled fury, and were victorious over power, it had evinced the triumph of reason and truth over prejudice and superstition, and that liberty, whether of opinion or person, however slow in its progress, had uniformly moved forward towards its destined goal; and that even, at this moment, the interruptions which had been opposed to it in our own country, although they might be injurious to individuals, would finally obtain, confirm, and establish the rights of the people.— Conscious of their uprightness, the Friends of Freedom had persevered in their noble cause, unappalled by the influence of spies and informers, and by the threats of a corrupt, a crazy, and wicked administration. In so doing, they had acted in perfect conformity to the principles of virtue, without which no man could be a friend to his country, and a lover of mankind.— Its essence consisted in the regulation of our conduct by such moral axioms as are best calculated to promote the general happiness of our fellow-creatures; and as it frequently happened, that the happiness of the individual stood in direct opposition to that of the public, it is the perfection of virtue in individuals to sacrifice their own happiness to that of the public. A man, in possession of this virtuous principle, feels delight whilst actually burning in the brazen bull of Phalaris; and such, he trusted, was the actuating principle of those generous patriots, who are become willing victims of the most barbarous and savage sentences that ever had been pronounced in Britain; who had made a glorious stand against arbitrary power, and who broke loose from the fondest endearments of human life, in the hope of redeeming their lost country from the fangs of a dark and brooding prejudice,

prejudice, and from the horrors and turpitude of an ignominious slavery.

“ It was the tyranny of the British government which drove William Penn, with the philosophic people called Quakers, to the delectable regions of Pennsylvania, where, by toleration, industry, and permanent credit, they revived the simplicity of the primitive ages of society. It was the same tyranny which has driven into voluntary exile, or forced by law into banishment, the most virtuous of men, the first of philosophers, the most exalted and courageous band of patriots that ever honoured the soil of Britain. Among the former Joseph Priestley, one of the most profound philosophers of the age, and most meek and amiable of citizens, claims the sad pre-eminence; and among the latter, stand the names of those persecuted patriots, in whose behalf we are now about to address the executive magistrate of our country—a noble and a generous band, whose sufferings do not claim our pity, because they boil up our rage; whose sentences disgraced those who pronounced them, not those on whom they were pronounced; whose condition is enviable, because honourable, and to the whole of whose opinions and conduct, no good man, or honest citizen, can give one dissentient voice! In times like these, when a man is mocked and insulted, because he bears the name of a patriot, an epithet once honoured by the people of England; and at a time when those who have the courage and magnanimity not to flatter their country, are deserted, betrayed, and persecuted; what honours are sufficient for those who thunder truth against tyranny? What disgrace ought not to await those timid beings, those negative patriots, who keep aloof from the scene of action, and riot on their country’s wrongs? When our nation shall be regenerated, these persecuted men will wear civic crowns. In the political, as in the moral world, the friend who appears to soothe our distresses, excites our esteem; and he who, in calamitous times that try men’s souls, sacrifices interest, friends and home, in order to save his sinking country, merits well, not only of every Briton, but of all mankind, and even of the government under which he lives.

“ Fellow Citizens, the day is at length arrived, when fanaticism and superstition, deprived of their tinsel trappings, and exposed, in their native ugliness, to the view of mankind, flink scowling back to the cave of obscurity; there I hope they will for ever remain. The energy of Englishmen will no longer endure this strange uproar of injustice. I trust my countrymen are sick of religious and political imposture; and that their decisive and manly conduct will command, in an imperious tone, which will take no denial, not a melioration of these enormous abuses, which would be to compromise with injustice; but I trust they

they will demand the annihilation of corruptions and abuses, and a restitution of the original rights of human nature. I ask of our governors, this plain question—Is it better that the people should be in a constant state of stupidity, than that they should be sometimes turbulent? Ministers of State, if ye mean to be wicked, suffer the people to write and speak; you will find men corrupt enough to serve you according to your evil desires, and who will improve you in the art of Sejanus. If you mean to be good, permit them to write, you will find some honest man who will improve you in the art of a Turgot. How many things are ye still ignorant of, before you can become great either in good or in evil. I see no glory, no advantage, no pleasure, no safety, in any man reigning as a Sultan over Slaves.—Such a horrid pre-eminence tarnishes the lustre of the most exalted station. It is, besides, precarious, for Sultan's are frequently deposed, and vengeance wreaked upon them.

“ I need not invite you, fellow-citizens, to feel for any human being who suffers, much less need I solicit your approof of the present measure, after the general testimony of satisfaction you have given of it. You are too enlightened to need the aid of any instruction from me, and your understandings are too much awakened to require that your passions should be played upon.—Whilst the unerring tribunal of posterity shall condemn, with scorn and derision, with execration and disgust, those inhuman beings who have been the causes of such unexampled and inhuman severity, our persecuted brethren will obtain a verdict of honour and glory. I may venture to say, that beloved by the present age, future ages shall heap around their monuments trophies of undying fame; and an exasperated and repentant people shall enrol their names in the volume of history, which records also the names of Sydney, Hampden, and Locke!

“ The following resolutions were then read, three times over, and, with the exception of one or two persons, were unanimously adopted.

“ 1. That the people being the true and only source of government, the freedom of speaking and writing upon any subject, cannot be denied to the members of a free government, without offering the grossest insult to the majesty of the people.

“ 2. That, therefore, the condemnation of Citizens Muir, Palmer, Skirving, Margarot, and Gerald, to transportation, for exposing the corruptions of the British government, was an act better suited to the maxims of a despotic than a free government.

“ 3. That the address which has now been read, be presented to the King, in behalf of the above persecuted patriots.”

“ On the second resolution being proposed, an hiss was heard from different parts of the meeting, in consequence of one or two persons

persons holding up their hats against it; on observing which, H. Yorke thus addressed the meeting :

“ FELLOW CITIZENS,

“ As your Chairman I call you to order. As an individual I must observe, that this hissing is repugnant to the principle of toleration or freedom, which we wish to see established. We have this moment read and given our assent to an address to the King in favour of liberty of opinion; let it not be said, that we are the first to violate that liberty in others, which we claim for ourselves. Opinions will always vary, even amongst the wisest and best of men. We are bound, therefore, to shew tenderness to the opinions of others, and compassion even to their prejudices. Let our enemies see that we consecrate by our example what we desire to see established as a principle. Hisses do not convince; they tend only to irritate the minds, and beget the ill-will of our fellow-citizens; let us, on the contrary, confront them with the weapons of reason and truth, the only logic of liberal minds. Every thing which has a tendency to stir up the passions without awakening the understanding, is unbecoming of freemen, or of men who would be free.”

“ These well-timed observations had the good effect of preventing any further signs of intolerance, and the utmost decorum prevailed throughout the conduct of the business.

“ It was next moved, “ that a Petition be presented to the House of Commons, for a Reform in the Representation of the People in Parliament;” but so marked was the disapprobation given by the whole meeting to this measure, that not one single person seconded the motion, but a most profound silence, interrupted only by a few murmurs, was observed: upon which Henry Yorke again rose, and addressed the meeting in an animated speech of an hour long, and of which it is impossible for us to give our readers a just conception. He took a general view of the British constitution, and stated its most prominent defects; among which the want of a perfect National Representation was the most glaring. He dwelt a considerable time upon this subject, and then proceeded to take a rapid survey of the exertions which had been made at different periods, and by different persons, to promote the cause of Parliamentary Reform.

“ He observed, that the subject was become a mere bugbear, employed to deceive the people, and worked upon as an engine to raise into power, needy and ambitious men; that the very same men who, in opposition, had declared that it was the only measure of saving the country from ruin, were the first to reprobate and scout the measure of reform when they were in power. From the corruptions of the British government, parties had been generated, which, in their route to power, had convulsed and plundered the empire. Under the distinctions of names, principles had

had been forgotten; and for the sake of leaders, whom the people had foolishly idolized, the machine of government rolled on amidst the feuds and contentions of party. Eternally the peace of our country had been disturbed by the rancour and animosities of factions, and the people, instead of turning themselves to correct the gross evils which existed in it, had ever been the tools of base and designing men, and seemed prepared to whet and sharpen their swords one against another.

"It was now high time that the people should lay aside leaders, discard factions, and act for themselves. He strongly enforced these principles, and then entered into a complete detail of the ancient constitution as established by Alfred, which he proved to be at this time totally defaced, if not lost. He then pursued the gradual decline of popular liberty in England, from the anarchy which was the consequence of Danish and Norman invasion; and taking a general sketch of our history, so far as it was connected with the subject of popular representation; he made some strong and pointed remarks on the Revolution of 1688, the object of which, he said, was not, could not be answered, unless annual parliaments and general suffrage were restored. For this he had the authority of Lord Somers, who drew up the Declaration of Rights, and who was promoted by William III. for his popular exertions at that memorable epoch.

"In order to prove that the revolution had not corresponded with the expectations of the people, no sooner was the Prince of Orange established on the throne of England, than all ideas of the ancient mode of annual parliaments were effaced, and the triennial act was passed in the very face of that revolution, and in direct contradiction to its principles; for the revolution, at least so far as it respected the people, was not intended to be a compromise between the King and the aristocracy for the joint inheritance of the people, but to establish on unequivocal principles the right of the people to govern themselves, and to recal those delegated powers which they had entrusted to their servants for this purpose, when they were either abused, or neglected to exercise them. If the revolution were not a revolution for the people, it was no revolution at all, but a conspiracy of a few ennobled oppressors against the liberties and happiness of the many. But if it were designed to comprehend the people, and its end has been perverted, or purposely laid aside, the people are not warranted in petitioning, but are justified in demanding as a right, agreeably to the tone of language used in the Declaration of Rights, the restitution of annual parliaments, and the establishment of universal suffrage. But the shock which was given to the stability of these principles, was most infamously flagrant, by the enacting of the Septennial Act, in the reign of George

George I. If the act of parliament in the reign of Henry VI. erased from the roll of citizenship some of the best members of the community; the enacting of the triennial and septennial acts, filled up to the brim the measure of governmental iniquity, and poured forth the waters of bitterness throughout our land.

“ FELLOW CITIZENS,

“ Enough of precedent. The human race has long been rolling down the tide of ages neglected, unpitied, and oppressed. It is high time that the devious course of human policy should not be left to the uncertain issue of storms and of elemental wars: but that the machine of state should be guided by the polar star of reason alone, which is never seen but when the Majesty of the people is resplendent. What is beneficial in the example of ages, we ought to reserve with caution. What is injurious, and what is only tolerably competent to answer the common purposes of society, ought to be abolished. We insult ourselves, when we abjectly distrust the powers which nature has given us; nor ought we passively to acquiesce in institutions, which, though injurious, may be preferable to those that may be endured by others. We insult ourselves, when we foolishly balance between tolerable vices and positive good; between unnatural systems, and novel, untried, but just maxims. The human mind is progressive; so is the social mind. That the one, therefore, should remain stationary, amid the rapid course of the other towards perfection, is a prejudice as unnatural as it is injurious to the happiness of man. The government of Europe presents no delectable symmetry to the contemplation of the philosopher—no enjoyment to the satisfaction of the citizen. A vast, deformed, and cheerless structure, the frightful abortion of haste and usurpation, presents to the eye of the beholder, no systematic arrangement—no harmonious organization of society. Chance, haste, faction, tyranny, rebellion, massacre, and the hot, inclement action of human passions, have begotten them. Utility never has been the end of their institution, but partial interest has been its fruit. Such abominable and absurd forms; such jarring and dissonant principles, which chance has scattered over the earth, cry aloud for something more natural, more pure, and more calculated to promote the happiness of mankind. Experience must regulate the mechanism of government, by which I mean not a narrow and confined, but a liberal and enlightened experience, which, hearing without passion or prejudice, the testimony of ages and nations, collects from its general principles, to further the progress of civilization. It is in history that we are to dive for those rich materials of legislative experiment, which are to ameliorate the social order, and repair those breaches which injustice hath long since made. But if this experience be found inadequate to the purpose of alleviating human miseries; if it af-

ford nothing but the melancholy prospect of outrageous despotism—of excessive vices on the part of the governing, and abasement and vassalage on that of the governed; if it ascribe the commotions of suffering countries to the designs of factions, and not to principles; if it shew that in consequence of national ignorance, after the first ebullitions of revolt, they have sat down in a torpid calm, and borne with usurpations still heavier than those by which they were roused to arms—it must be granted that this experience is important, because it teaches the suffering nations of the present day, in what manner to prepare their combustible ingredients, and Humanists, in what manner to enkindle them, so as to produce with effect, that grand political explosion, which at the same time that it buries Despotism, already convulsive and agonising, in ruins, may raise up the people to the dignity and sublime grandeur of freedom.

“ To effect this just and useful purpose, revolution of sentiment must precede revolution of government and manners. The popular energies must be excited, that the popular voice may be felt and heard. The people must grow wise, in order that the people may rule. It is said that we preach anarchy; but what is anarchy, but the establishment of confusion on the wreck of popular opinion? It is said we are levellers; but those are levellers who would wish to reduce man to the condition of the brute, guided by passion and uninfluenced by reason. Those are levellers whose hands are dipped in the public spoils; who assert impunity for crimes, and inviolability of persons; who would make humanity take a retrograde motion; who would palsify the arm of Justice, and defeat the end of equal laws. We have disclaimed the foolish idea of levelling property; because our own property, the fruit of our labour, or of our talents, might, by the example, be exposed to the invasion of the first intruder. It were well, if those who confound justice with crimes, would consider that the poor man's property, little as it is, is as precious to him as is the wealthy stock of the rich man. It were well, if feeling the force of this principle, the aristocracy would unite with us in the cause in which we are embarked. Property, they say, is sacred. Is not, then, the property of the poor man as sacred as that of the rich; and ought it to be filched or forced from him without his consent, any more than that of the rich man? Can those who do not respect the property of others, expect others to respect their property? We wish to exalt, not to level. We wish to better the condition of the wretched; to equalize men under the influence of law, but to give to merit, industry, talents, patrimony, virtue, their proper weight and correspondent dignity in the social order. Are we, then, ungovernable, because we reject misgovernment? Are we ungrateful, because we defend our liberty

erty and property against those who ought to respect them? Are we rebels in maintaining our violated laws, against those who are open rebels to laws, and who set themselves above those laws which they ought to have venerated? I know, that in all ages of the world, people who would not be oppressed have been reckoned ungovernable, by men who are, or who would be oppressors. I know that the enemies of oppression, have always been stigmatized as enemies of government. I know that it is seditious to blame the excesses of power, and insolent to mention the insolence of those who abuse power. I know that it is seditious to distinguish between public right, and public wrong, between government and tyranny. Nor is it enough to acknowledge all good government to be irresistible; but the worst, and the abuse of the best, must be irresistible also. I know, that to complain of tyranny is faction, and to throw it off rebellion; but they who oppress are the greatest rebels, and for the oppressed to turn upon them, is but to resist rebellion—it is but to do a just and natural action. Whoever violates the laws of reason, equity and nature, whatever station or name he may bear, is a rebel, subject to laws against tyrants and rebellion. Tyrants, therefore, and oppressors, are the highest and most consummate rebels in the world—capital traitors to God and man, and punishable by all the laws of God and man. Amid all the absurdities and chimeras of paganism, it was never believed that tyranny was warranted by Heaven. It was never believed that the bloody Caligula was the vicerent of God, and that the worst of men had a commission from heaven to oppress the human race. It was never believed that murder, rapine and mis-rule, were government, and that lawless and bloody crowned robbers were governors divinely appointed. It was never believed that society had no remedy against devouring lust and the raging sword, which were destroying all the ends of society, and even society itself. Such indignities to God and man, were never broached by Pagans; they never propagated doctrines which would have turned men into idiots, destitute of reflection and feeling; into beasts of burthen, and beasts of sacrifice; turned Heaven into Hell; human society into a chaos of blood and carcases; and the earth into a place of torments. It never entered into the heart of a Greek or a Roman, nor into any heart that felt the sentiments of Virtue and Humanity, that it was unlawful to defend Nature; a crime to ward off murder, barbarity, and desolation; and an impiety to do the most godlike action which can be done on this side heaven, that of disarming tyrants, and of saving our country from perishing. Government is doubtless a sacred thing, and justly claims our reverence and duty; but, when government is general oppression; when havoc,

spoil, and persecution prevail, to the destruction of all who do well; when law and justice are banished, and military despotism triumphs; when property is attacked and seized without the consent of its owner, and lives are wantonly destroyed, Is this government too? If it be, tell me what is not government? I do not think, in an age like this, that the people of this, or any country, can ever be so sunk or deadened by oppression, but that repeated provocation will raise a spirit amongst them capable of accomplishing the greatest projects. Even the most professed and degraded slaves, the people of Turkey, often rouse themselves, and casting their proud rider to the earth, trample him to death. A little spark often kindles a great flame, and a flame soon spreads to a conflagration. An ignorant nation roused to assert its liberties, will be mad and furious; when men are used like beasts, they will act like beasts! But, when an enlightened people, knowing their rights, are reduced to a state of degradation, they will know that their condition cannot be worse, but, by their own efforts, their condition must be better. An ignorant people incited by repeated injury to shake off the load of injustice, will risk unseen evils and calamities—will risk even a civil war, to be revenged on their oppressors. Such was the temper of the Romans upon the revolt of Sacrovir—they even exulted in it, and, in hatred to Tiberius, wished success to the public enemy. Such were the injured people of Spain, who, when the Romans came, joyfully received them as their deliverers from the tyrannous yoke of Carthage. But an enlightened people will never sully the victories of Patriotism by such irregular conduct. Revenge will never be adopted as a principle. Peace will actuate their demeanour, and they will glory in awaiting the slow process of universal information, as a prelude to universal emancipation, rather than tarnish the career of liberty, by involving their country in scenes of terror, waste and depredation. Oppressed nature will, at a proper season, depart from passive principle; and should an attempt be made to wrest what remains of liberty from us, I trust all men will concur to vindicate their violated rights—for, if the attempt be suffered once, it will be often repeated. A few repetitions create a habit, and habit will claim prescription and right. For governors to be omnipotent, the race of man must be extinct; and no argument for destroying anarchy can be used, but what is full as strong for the overthrow of tyranny. It is difficult to restore public affairs, when once disconcerted, to their former steady principle—numbers will engage in the corruption, and will try every art and power to support it, and they will continue to do so, until nature, which is always uppermost in man, signs their tragical doom!

“ CITIZENS,

" CITIZENS,

" I repeat my former assertion. Go on, as you hitherto have done, in the culture of reason. Diffeminate throughout the whole of your country, that knowledge which is so necessary to man's happiness, and which you have yourselves acquired.—Teach your children, and your countrymen, the sacred lessons of virtue, which are the foundations of all human polity. Teach them to respect themselves, and to love their country. Teach them to do unto all men, as they would they should do unto them, and their love shall not be confined to their country, but shall extend to the whole human race. When such a revolution of sentiment shall have dispersed the mist of prejudice; when by the incessant thunderings from the press, the meanest cottager of our country shall be enlightened, and the sun of reason shall shine in its fullest meridian over us; then, the commanding voice of the whole people shall recommend the five hundred and fifty-eight gentlemen in St. Stephen's chapel to go about their business."

" After having concluded the above speech, Henry Yorke observed, that as there might be many persons present who came from motives of curiosity, and others who came for a more criminal purpose, he should adduce in justification of the reasoning he had employed, the writings of a man, who was the first to reduce into a system, the study of human understanding, and the principles of government—he meant John Locke; whose excellent discourse on civil government he then held in his hand, and from which he read the following extracts:

" No government can have a right to obedience from a people who have not freely consented to it; which they can never be supposed to do, till either they are put in a full state of liberty to chuse their government and governors, or at least till they have such standing laws, to which they have by themselves or their representatives given their free consent, and also till they are allowed their due property, which is to be proprietors of what they have, that nobody can take away any part of it without their own consent, without which, men under any government are not in a state of freedom, but are directly slaves under the force of war.

" There is another way whereby governments are dissolved, and that is, when the legislature, or the prince, either of them, act contrary to their trust. First, the legislative acts against the trust reposed in them, when they endeavour to invade the property of the subject, and to make themselves, or any part of the community, masters, or arbitrary disposers of the lives, liberties or fortunes of the people. The reason why men enter into society, is

is the preservation of their property; and the end why they chuse and authorize a legislative is, that there may be laws made, and rules set, as guards and fences to the properties of all the members of the society, to limit the power, and moderate the dominion of every part and member of the society: for since it can never be supposed to be the will of the society, that the legislative should have a power to destroy that which every one designs to secure, by entering into society, and for which the people submitted themselves to legislators of their own making; whenever the legislators endeavour to take away, and destroy the property of the people, or to reduce them to slavery, under arbitrary power, they put themselves into a state of war with the people, who are thereupon absolved from any further obedience, and are left to the common refuge which God hath provided for all men, against force and violence. Whenever, therefore, the legislative shall transgress this fundamental rule of society, either by ambition, fear, folly, or corruption, endeavour to grasp themselves, or put into the hands of any other, an absolute power over the lives, liberties, and estates of the people; by this breach of trust they forfeit the power the people had put into their hands for quite contrary ends, and it devolves to the people, who had a right to resume their original liberty, and, by the establishment of a new legislative (such as they shall think fit) provide for their own safety and security, which is the end for which they are in society. What I have said here, concerning the legislative in general, holds true also concerning the supreme executor, who, having a double trust put in him, both to have a part in the legislative and the supreme execution of the law, acts against both, when he goes about to set up his own arbitrary will as the law of the society. He acts also contrary to his trust, when he either employs the force, treasure, and offices of the society, to corrupt the representatives, and gain them to his purposes; or openly pre-engages the electors, and prescribes to their choice, such, whom he has, by solicitations, threats, promises, or otherwise, won to his designs; and employs them to bring in such, who have promised before-hand what to vote, and what to enact. Thus to regulate candidates and electors, and new-model the ways of election, what is it but to cut up the government by the roots, and poison the very foundation of public security? for the people having reserved to themselves the choice of their representatives, as the fence to their properties, could do it for no other end, but that they might always be freely chosen, and so chosen, freely act, and advise, as the necessity of the commonwealth, and the public good should, upon examination and mature debate, be judged to require. This, those who give their votes before they hear the debate,

debate, and have weighed the reasons on all sides, are not capable of doing. To prepare such an assembly as this, and endeavour to set up the declared abettors of his own will, for the true representatives of the people, and the law makers of the society, is certainly as great a breach of trust, and as perfect a declaration of a design to subvert the government, as is possible to be met with. To which, if one shall add rewards and punishments, visibly employed to the same end, and all the arts of perverted law made use of to take off and destroy all that stand in the way of such a design, and will not comply and consent to betray the liberties of their country, it will be past doubt what is doing. What power they ought to have in the society, who thus employ it contrary to the trust, went along with it in its first institution, is easy to determine: and one cannot but see, that he who has once attempted any such thing as this, cannot any longer be trusted.

“ To this, perhaps, it will be said, that the people being ignorant, and always discontented, to lay the foundation of government in the unsteady opinion and uncertain humour of the people, is to expose it to certain ruin; and no government will be able long to subsist; if the people may set up a new legislative, whenever they take offence at the old one. To this I answer, quite the contrary. People are not so easily got out of their old forms, as some are apt to suggest. They are hardly to be prevailed with to amend the acknowledged faults in the frame they have been accustomed to.

“ But it will be said this hypothesis lays a ferment for frequent rebellion. To which I answer, first, No more than any other hypothesis; for, when the people are made miserable, and find themselves exposed to the ill usage of arbitrary power, cry up their governors as much as you will, for sons of Jupiter; let them be sacred or divine, descended, or authorized from Heaven; give them out for whom or what you please, the same will happen. The people generally ill-treated, and contrary to right, will be ready upon any occasion to ease themselves of a burthen which sits heavy upon them. They will wish and seek for the opportunity, which in the change, weakness and accidents of human affairs, seldom delays long to offer itself. He must have lived but a little while in the world, who has not seen examples of this in his time; he must have read very little, who cannot produce examples of it in all sorts of government in the world. Secondly, I answer, that such revolutions happen not upon every little mismanagement in public affairs. Great mistakes in the ruling part, many wrong and inconvenient laws, and all the slips of human frailty, will be borne by the people,

without mutiny or murmur; but if a long train of abuses, prevarications and artifices, all tending the same way, make the design visible to the people, and they cannot but feel what they lie under, and see whither they are going, it is not to be wondered at that they should then rouse themselves, and endeavour to put the rule into such hands which may secure to them the ends for which government was first elected; and without which, ancient names and specious forms, are so far from being better, that they are much worse than a state of nature, or pure anarchy—the inconveniences being all as great and as near, but the remedy farther off and more difficult.

“After reading the above, Henry Yorke continued, ‘I must observe to you, that for this discourse on civil government John Locke was preferred by King William to the important place of Master of the Mint, and was universally beloved and honoured at court. This book was generally considered, at the time it came out, to have been a more powerful means of securing the King upon his throne, than even the arms of Holland and Britain, and it has contributed, perhaps, more than any other publication, to secure the present Royal Family upon the throne of these kingdoms. Although it was written a century ago, it was a principle in establishing the American Revolution, it has conspired the overthrow of despotism in France; and, before long, its principles will have driven despotism from the face of Europe. To such a book there can be no exception; and, I think, I cannot better serve the King, or my fellow citizens, than in bringing it before the public. I understand it is not to be purchased, because I am told ministry have bought them all up, or they were purchased to be sent to America; but I will defeat their ends; I will extract its spirit, and give it you in a small compass, and as cheap as the press can print it.’ [*Loud and reiterated applauses.*]

“The following resolutions were next read and unanimously approved of, amidst the loud applauses.

“4. That in every country where the people have no share in their government, Taxation is Tyranny.

“5. That, therefore, a government is tyrannical or free, in proportion as the people are equally or unequally represented.

“6. Convinced of this truth, it is the opinion of this meeting, that the people ought to demand as a Right, and not petition as a Favour, for universal representation.

“7. That, therefore, we will petition the House of Commons no more on this subject.”

“After which Henry Yorke, according to a requisition which had been made to him a few days before, presented the following petition to the King for the total and unqualified emancipation

emancipation of the Negro Slaves. He prefaced the petition with a most eloquent and animated speech on the subject; but from the fatigue which he had undergone from the preceding part of the business, it was impossible for him to carry to its intended length, a discourse which had already drawn tears and sighs from a great part of his auditory. As we understand he means to make an appeal to the public on the subject, in which, of course, will be included the observations which he made at this meeting, we trust no apology will be necessary for our omitting to give any sketch of them here.

“ TO THE KING.

“ SIRE,

“ Justice is eternal. Unconfined by time, person, circumstance, or place, it ought to form the basis of all legitimate government, and the motive of all human intercourse.

“ As intellectual beings, we conceive it to be a sacred obligation, imposed on us by the Supreme Being, to think for ourselves. In conformity to which principle, we are naturally led to desire the extension of knowledge throughout the world. As we ourselves feel, we are naturally led to sympathize with those who feel also. Wishing to be rid of the weight of oppression under which we groan, we are induced to compassionate those who groan also, and to desire an alleviation of their sufferings.

“ On our own account we have repeatedly petitioned the Lower House of Parliament, but petitioned in vain. We are weary of the practice. We are disgusted to hear the hallowed name of liberty made the sport of corrupt placemen; and we are shocked to see, that in the practice of legislation, humanity is but a name. We are now petitioning, not for ourselves, but for others; for those whose sorrows harrow up the feeling soul, and terrify the christian heart; for those, who are the victims of avarice, cruelty, rapine, immorality, and luxury. We have the sanction of one of your Majesty's sons, in declaring, that the Negro Slaves in the West Indies, are full as happy as the lower classes of people are in England. We employ so great an authority in justification of our petition; and considering, that we who supplicate your Majesty are generally men of that description, we are bound to conclude, that if our African brethren be no happier than we are, they must be wretched indeed. For we groan, Sire, under great and grievous burdens, and we see no prospect of redress before our eyes, nor have we a hope that our miseries will shortly end. Our wives and little ones are starving, and ourselves unable to provide them with the common necessities of life, are sunk in sorrow, and compelled to join in their bitter agony and deep despair. But the contem-

plation of our distressed state becomes additionally alarming at the certainty of having more burdens accumulated upon us, which may be productive of consequences injurious to the humanity, and fatal even to the interests of government itself. Such, Sire, is our state, and such, from the comparison drawn by the Duke of Clarence, is the state of our Negro brethren in the Colonies. But, in addition to the testimony of so high an authority, we have a volume of respectable evidence delivered into the House of Commons, which proves, beyond contradiction, that our condition is by no means so deplorable as that of the wretched Africans. They are Slaves—under which odious epithet, man is reduced to the condition of the brute, and is deprived of a country, and of the tenderest ties of human life. The rights of a social being are denied to him, and every principle of moral obligation is destroyed. The liberty, the person, and the industry of the slave, are at the disposal of the master.—Far different is our state; and although from not being represented in the House of Commons, our property may be taken from us without our consent; although from the erection of barracks throughout our country, and from the unconstitutional introduction of foreign troops into it; from the encouragement given to a system of state inquisition, and from the violent measures employed to wrest the liberty of the press from the hands of the subject—we cannot call ourselves free men in the strict sense of the word: Yet our lives cannot be taken from us, but for crimes previously defined and declared punishable by law; nor can our persons be wantonly sported with, to gratify the lust, the avarice, or the cruelty of overseers and slave drivers. So far we have undoubtedly the advantage over the Negro Slaves; and we cannot help thinking, in justice to the Royal Personage who drew the resemblance, that he reasoned more from our actual condition, than from what we were, and what we ought to be—a free, a happy, and a contented people.

“ Quitting, therefore, the comparison which has been drawn between the poor of this country and the Negro Slaves in the Colonies, we beseech your Majesty to take into your gracious consideration our petition in their behalf. We are happy to congratulate your Majesty, that we not only cultivate reason ourselves, but we are daily exerting ourselves to diffuse its influence universally. Our success, Sire, has been wonderful! We glory in announcing to your Majesty, that, by the use of that reason we have discovered that society is made for man's happiness; that liberty is the first and best gift of God to man—which it would be impious not to assert, and sacrilege to surrender. In the names, therefore, of liberty, of justice, and of humanity, and for the sake of those, whose cries of, ‘ Mercy !
Mercy !

Mercy ! Master !' are ringing eternally in our ears, we petition, we implore your Majesty, to put an end to that devilish commerce in human flesh ; which is a thousand times more abominable in the eyes of God and of man, than the practice of selling human flesh in Germany—because accompanied with acts more profoundly cruel, and more deliberately inhuman. The voice of an immense majority of the whole nation has invoked the humanity of the House of Commons for the partial abolition of injustice—but in vain. It was told, that the slave trade was inhuman, impolitic, and unchristian. Eighty-eight only out of 558, voted agreeably to the will of the nation for its abolition!! Did the remaining 470 mean thereby to sanction inhumanity and impolicy, and to oppose the holy christian religion, the fundamental maxim of which is, ' Do unto all men as you would they should do unto you?' One melancholy fact, however, it has proved, that a sense of a majority of the people was not regarded in that house, and that justice and humanity are of no consideration, when put in competition with avarice, wealth, and power. But what makes humanity more than shudder, one of the members of that house, who had his leg bit off by a shark, and whose life was saved by a poor Negro, declared, that he should vote against the abolition of the slave trade, because the negroes consumed the refuse of our fisheries. Such marked ingratitude, such unfeeling barbarity, publicly avowed in the British Senate, instead of sending the author to prison for an abuse of speech, met with repeated applauses: And what grieves us more, we find, that this very man has been appointed, by your Majesty's ministers, to superintend the provisionment of the army, now carrying on the dreadful work of human slaughter, on the blood-stained fields of Flanders.

" So many bars have been thrown in the way to prevent the abolition of the slave trade, by those unfeeling barbarians, who, unblushingly, call themselves Slave Dealers, West India Merchants and Planters: so many obstacles having been opposed to the reclamations of humanity in favour of the wretched—we petition your Majesty, in whose hands is mercy, to recommend, or command the British Senate immediately to abolish, in the fullest manner, and without any qualification, Negro Slavery in the West India Islands—because it is insulting to human nature in an age of reason and philosophy—because it tends to open wide the flood-gates of patronage, corruption, and dependance: inflames and stimulates the sordid passion of avarice, which is ever ready to feed ambition, to furnish the first means of engaging in ruinous, bloody, and destructive wars, by which courtiers are enriched, and nations beggared—be-

cause its abolition will redeem the national honour, too long sullied by the trade of blood—because it will promote the cause of liberty, which is striding apace throughout all the regions of the world—because it will avenge peacefully ages of wrongs done to our negro brethren—because it will give to industry its just latitude—because it will put an end to injustice, impolicy, cruelty, avarice, havoc, spoil, and blood—because it will cover a multitude of national sins, and, instead of national fasts, which are too frequently the dreadful preludes of blood and sorrow, it will be a national feast, grateful to God, and pleasing to man. It will extend the empire of benevolence, the brotherhood of the human race, and immortalize your Majesty's reign, for having established, on their purest principles, the claims of justice, and the rights of man.'

" The above petition, and the following resolutions, were received with unbounded applause, and without one dissenting voice, except at the word *humbly*, which was several times used in the petition, was objected to, and on being put to the vote, was unanimously agreed to be expunged.

" 8. That we feel ourselves not only ashamed, but indignant, that the British government should be actively engaged in the traffic and slavery of human beings.

" 9. That as no compromise can be made between freedom and tyranny, between virtue and vice, justice and injustice, we think it our duty not to confine ourselves to the mere abolition of the slave trade, which would be sacrificing a right to a convenience, but to petition for the total emancipation of the Negro Slaves.

" 10. That the petition to the King now read, for the total and unqualified abolition of Negro Slavery, is approved.

" 11. That a congratulatory letter be transmitted to Thomas Walker, of Manchester, on his victory over Church and King associations, and that the letter now read be approved.

" 12. That the above petition and address be transcribed on parchment; and that they be forwarded to Earl Stanhope, and that he be requested to present the address and petition to his Majesty.

" 13. That the thanks of this meeting are given to all those Juries who, in these inquisitorial times, have acted like freemen, in acquitting those of their fellow citizens who have been brought to trial for speaking what they thought.

" 14. That the proceedings of this meeting be publicly advertized and transmitted to the Friends of Liberty, of Justice, and Humanity, throughout the kingdom.

" 15. That a voluntary subscription be immediately opened, for defraying the expences attending these proceedings.

" 16. That

" 16. That the Committee of the Sheffield Constitutional Society be desired to see that the above resolution be carried into effect; and that they prepare an address to the British nation, explanatory of the motives which have induced this meeting to adopt the resolution of no more petitioning the House of Commons on the subject of Reform.

" The above resolutions being passed, and a congratulatory letter to Thomas Walker, of Manchester, read, on his acquittal from an infamous prosecution at Lancaster, the meeting was dissolved.

" Notwithstanding the largeness of the company, so great were Henry Yorke's exertions, and so close the attention paid to him, that there was scarcely a person present who did not distinctly hear; many, indeed, we are told, who were not heretofore remarkable for their liberality of sentiment, have acknowledged themselves greatly enlightened by what they heard. To shew the high sense entertained of Henry Yorke's services at this meeting, by the populace, he was no sooner seated in the coach, which attended on him, than the horses were taken from the carriage, and the people drew him through most of the public streets in Sheffield, amid the acclamations of thousands:—which done, after a few admonitory words from the orator, every man went peaceably to his own home."

" AN ADDRESS TO THE BRITISH NATION.

" *Friends and Countrymen,*

" We have this day decided, with the exception of only one dissenting voice, that the House of Commons shall never again be petitioned by us on the subject of parliamentary reform.

" We owe to the nation, to posterity, even to foreign countries, and to the government itself under which we live, an exposition of our motives. To the nation we owe this duty, because we are of opinion, that the will of the majority of the people should be, at all times, the supreme law; and that if the few dissent from the opinion of the many, however obligatory the will of the majority may be to them as a rule of action, yet opinion is always free and sacred, the right of man to enjoy, and the conscientious duty of man to diffuse. Under the full conviction of this principle, we feel ourselves, at present, the minority, because we are the first to agitate the question, and to repel the monstrous idea of petitioning when our petitions are not received by the House of Commons. But, we are numerous—we are many thousands; and as nothing opens the eyes of men so much as their interests, we demand, fellow-citizens, nay, we are entitled to it from our numbers, that you lend an attentive ear to the truths we are about to utter, and to the reclamations we are about to make in favour of oppressed humanity.

Hearken

Hearken unto our voice, for we think it will strike conviction; attend to our reasoning, for we know that your applauding sentiments will give solemnity to our measures, and consequence to our example. To posterity this duty is owing, because they will expect justice at our hands, liberty from our exertions, happiness and peace from the success of our cause. To foreign countries, because they will then form some estimate of the degree of confidence which we, who live under the British government, repose in it; and of the affection, respect and obedience, paid by our rulers to the Majesty of the people. To the government itself, because it will discover, in our firm and manly tone of conduct, materials for serious and solemn debate. It will discover that the exercise of a power, underived from even magisterial authority, is totally repugnant to the genius of a legislative assembly, (which ought to be an emanation from the public will, and, therefore, obedient to it) because it has a tendency to loosen the bands of subordination, and to weaken that reverence which should always be shewn to a government which regards the condition and fulfils the mandates of its sovereign, the People. It will be taught a lesson, which is sanctioned by the testimony of both ancient and modern story, that when a government contemns the people, the people will, in their turn, contempt the government: it will be taught that when there exists a want of confidence between the governors and the governed, confusion, the worst of national distempers, is the issue.

“ Our petition was received with the utmost indignation by the House of Commons; which was no more than we expected. We knew that the homely truths, we uttered, would be very unwelcome guests in that house. We never expected that a body, in which there were so many placemen and pensioners, would listen to the palpable facts stated in that petition; the object of which was to root out injustice, and to curb licentiousness and corruption. Nevertheless, as we were called upon by our countrymen to unite with them, we thought ourselves bound to comply with their wishes. And although our petition was disdainfully rejected, because not couched in language sufficiently polite and respectful for the five hundred and fifty-eight gentlemen who sit as the House of Commons, yet believe us, fellow citizens, we are still of opinion, that the matter it contained was not only just and proper, but, we think, that even the language, which gave so much offence to the honourable gentlemen, was much too moderate for us. For, if the House of Commons were the real representatives of the people, we certainly had a right to dictate, and not to petition, because they could be considered in no other light than as the organs of the public will. And if they re-
fused

refused to obey that will they would be usurpers and not representatives. If, on the contrary, they are not the representatives of the people, what have we to do with them; if they are not our representatives we cannot be their constituents; and to petition those who are not our representatives as our representatives, would be a manifest absurdity, if not an insult and mockery of ourselves. However, the petition, such as it was, being termed disrespectful, was thrown out by a majority of 79, there being 29 only who voted for its being received, and 108 who voted against it. Such imperious treatment rather gives warning than strikes terror. The abuse of representation can never come in the place of a rule, for no legal power can be derived from injury or injustice. On this ground alone, therefore, we are justified in preserving a sullen silence in respect to the House of Commons. For if grievances, abuses, complaints, and truth, are to be discarded from that house, because not dressed in a gentleman-like language, how are we plain mechanics, ever to obtain redress, who are not gentlemen, and who are, consequently ignorant of those polite and courtly expressions which are necessary to gain a hearing in that house. We are ignorant of the art of displaying truth by halves, and, as we love plain dealing ourselves, we detest hypocrisy in others, and pity those who would wish us to follow their example.—We said to the House of Commons, we are wronged and aggrieved—will you right us, and redress our grievances, or will you not? If you will, we shall be satisfied; if you will not, we shall seek redress some other way. This is the sole question with us, and we put it, as we thought, in a most becoming style to the House of Commons. But, our petition being scouted, we shall trouble them no more with our coarse and unmannerly language. It will be our duty to proceed, as we have uniformly done hitherto, in enlightening the public mind; and, when a complete revolution of sentiment shall take place (as will shortly be the case) in our country, we shall open our mouths, in that key we think most agreeable to ourselves. And our voice, together with that of our disfranchised countrymen, will resemble, perhaps, the thundering from Mount Sinai!

“ Yes, countrymen, we demand Equality of Rights, in which is included Equality of Representation, without which terror is law, and the obligations of justice are weakened; because unfashioned by the sacred voice of the people. We are not speaking of that visionary equality of property, the practical assertion of which would desolate the world, and replunge it into the darkest and wildest barbarism; but that equality we claim, is to make the Slave a Man, the Man a Citizen, and the Citizen

• an

an integral part of the State; to make him a joint Sovereign, and not a subject; to oblige Law, which ought to be an emanation from the general will, to shed its influence, without distinction, over the heads of all, and to restrain or strike the wealthy plunderer equally with the more homely offender. We wish to give rights to him who has none, and a country to him who wants one. We wish to upset the idol of injustice, which has poured forth, from its exalted throne, a deluge of sorrow, and flooded the world with tears and the blood of its inhabitants. We desire to see wisdom demanding of miserable millions their wants, and humanity at hand to supply them. We desire to see the sanctuary of virtue erected, and the standard of Liberty planted in our land, around which the people may rally as to an Holy of Holies. In short, we desire to see the altar of Equality blazing in Britain, whose streams of fire, whilst they shall shock, convulse, and tear down the rotten pillars of prejudices; whilst they shall consume tyrants, and terrify public delinquents; shall pierce into the hearts of the whole people, and confirm the wide empire of morals on the wreck of superstition and vice.—such is our Equality, and such is the Equality which we proudly gratulate our countrymen will shortly be established in Britain, and which we invite you, People of Scotland, to partake of. The banks of the Forth, the fields of Bannockburn, and Culloden, and that Tribunal of Edinburgh, which has disgraced your capital, shall yet bear testimony to the cause for which Fletcher wrote, and Wallace bled.

“ People of Britain, cultivate Reason!—enquire, and you will be informed—claim your rights, and you will have them.—The laurels of the victorious patriot are dishonoured when tinged with civic blood. Let revolution of sentiment precede reformation in government and manners: Let public opinion be confirmed, that public opinion may be respected. When the general will is known, it ought to be, it must be obeyed. Rulers will always respect you, when you respect yourselves: And, Oh! sacred Isle! honoured in the page of history for having cherished the flame of Liberty when it hath been smothered throughout the globe; renowned for thy Hampden, thy Sidney, and thy Locke—still be the asylum of the unfortunate, and the refuge of the free!—Sacred love of our country!—teach the people their rights, that they may avenge their wrongs! Holy flame of patriotism! kindle within our breasts the sacred flame of liberty, and give us courage to assert it! Virtue! teach us mercy, that we may spread far and wide the empire of Peace and Benevolence!”

Gentlemen, they then preceded to the cross-examination of
Broomhead

Broomhead on the part of Mr. Horne Tooke; he says, they had no idea of overturning the government by force. He says, he was sure there was no intent to attack the King, but they were as well affected to him as any people in England. He says, they had no intention to attack the House of Lords, to his knowledge, that their object was a reform in the democratical part of the British constitution; it was aimed at the representative part of the House of Commons; that he knows of no other view in any of the societies, or to overturn the constitution by force. He was asked, on his re-examination, by the prosecutors, how the motion to negative the petition to parliament was managed; he says it was negatived by every person. He says, if any person had an idea of doing any thing improper, or by force, it was unknown to him, and those who acted with him. He says, a deference was paid to leading persons, in ordering the affairs of the society; that he was a passive person himself as secretary. He was asked what was become of Gale, one of the persons who settled the motion, he says he does not know. He says, he, as secretary, did not take a part in the motion, because he was told, being secretary, he had no right to give his opinion.

Gentlemen, George Widdeson was then called; he says, he was a member of the society at Sheffield, two years ago; he says, they were not in divisions at that time, but he afterwards belonged to the division, No. 1. He says, he was a delegate, and that the society might consist of about 600 regular members. He says, they met once a fortnight, in divisions, on a Tuesday, or Wednesday. He says, he saw Yorke at Sheffield, two years ago, that the first time he saw him was in Queen Street, soon after the execution of the King of France. He says, he remembers a society held in the Back Fields, when delegates were elected; that a person of the name of Browne, was elected, who had been a player, and afterwards acted as an attorney. He says, Yorke once lodged at a person's house of the name of Cawthorne, and that he attended him as hair-dresser there, and at Beal's, the grocers; he says, they had some conversation about pikes; that Yorke seemed to agree to the necessity of pikes being made. He says, Yorke gave him to understand Gale would take a dozen; that he made a dozen, or a dozen and half. He says, that he is a turner as well as a hair-dresser. He says, the pikes were about seven feet long; that Yorke asked him some few times how he was going on with the pikes. He says, the heads were to come from Davidson's, but that he provided the hoops. He says, he told Yorke, one morning, he thought he was going too far respecting universal suffrage, and that he was convinced it would carry them too far, by drawing in a great number of people to give their voice before they were acquainted with the business.

He says, he never understood the pikes were for any other use than their own defence. He says, the pikes were about eight inches in length, and about one and a quarter in the broadest part.

On the cross-examination he was asked, if he imagined the death of the King—he said no—God forbid! He says, he does not know any body concerned that had any intent to attack the power or person of the King. He says, he would not have continued in the society if they had; that their plan first originated upon what was drawn up by the Duke of Richmond. The letter was then shewn to him, and, he says, he believes that was the general idea they had at that time, because they thought there was no other plan sufficiently effectual to reform the House of Commons, and make it as was originally intended by the constitution. He says, he had no idea it was to be done by force, nor does he know that any member of that society had any such intentions. He says, he altered his opinion, as to the expediency of universal suffrage; and that was the only ground of his withdrawing himself from the society. He says, they made the pikes to defend themselves from attacks; that Gale's house had been actually attacked by a number of people, and several of Gale's friends were obliged to defend him; that upon that account pikes were provided. He says, he has no reason to believe Gale had any other intention himself. He says, he has heard people declare, that if there was an invasion they would first fall upon them; and he says again, he believes the only cause of making and preparing the pikes was, that an attack was really apprehended from the other party upon Gale, and those of his opinion; that he never understood they were intended to be used against government. He says, the competition was among themselves; and that arose from Mr. Burke, Mr. Paine, and another man, a parson, whose writings were the cause of it.—He says, the parson published a letter, recommending the people called aristocrats to take up arms and exterminate them. He says, they were threatened, in case of an invasion, by William Pritt; but he admits, he never made an application to a magistrate in consequence of that threat. He was then asked as to a riot; he says, it arose in consequence of enclosing part of the Common, that the people rose in consequence of that; and the troops were brought to protect the persons who were enclosing the Common, which enraged the minds of the people. He says, he once applied for justice to Mr. Haythorpe, but was denied it; that was explained; he says, that there had been a quarrel about politicks; that they threw him down stairs, and his money fell out; that he charged them with stealing it; his money was returned; and the Justice told him he would put him in the pillory if he troubled him with any more complaints; he saw it was

was only a drunken piece of business, and very properly dismissed it. He says, he adopted the Duke of Richmond's plan, and so much of Mr. Paine's as fell in with it. He says, they approved of great part of Paine's works, because they were written upon principles of liberty and freedom; but there were parts which no one of them understood; and, he thinks, Paine himself did not understand them.

Gentlemen, they then produce a paper found at Hardy's, purporting to be a letter from Davidson, addressed to Citizen Hardy, proposing to him to supply him with pikes upon a plan adopted at Sheffield; there is also a letter from Davidson, addressed to the Norwich Society, for the same purpose, making an offer of these pikes. Davidson says that Davidson was a printer. That letter to Hardy must be read. It should be mentioned, that the letter directed to Norwich, was, in fact, never sent; Hardy kept it by him till he was apprehended, probably it was never opened—it was as follows:

“ Addressed to Citizen Hardy, No. 9, Piccadilly, London.

“ Sheffield, April 24, 1794.

“ FELLOW CITIZENS,

“ The barefaced aristocracy of the present administration has made it necessary that we should be prepared to act on the defensive against any attack they may command their newly armed minions to make upon us. A plan has been hit upon, and, if encouraged sufficiently, will, no doubt, have the effect of furnishing a quantity of pikes to the patriots, great enough to make them formidable. The blades are made of steel, tempered and polished after an approved form. They may be fixed into any shafts; but fir ones are recommended, of the girth of the accompanying hoops at the top end, and about an inch more at the bottom. The blades and hoops, more than which cannot be properly sent to any great distance, will be charged one shilling. Money to be sent with the order. As the institution is in its infancy, immediate encouragement is necessary.

“ Struck through in the
Original.

“ Orders may be sent to the Secretary
of the Sheffield Constitutional Society.

(Signed)

“ RICHARD DAVIDSON.

“ To prevent post suspicion, direct to Robert Moody, Joiner, China Square, Sheffield. Please to forward the enclosed.”

Then, Gentlemen, followed the letter addressed to the Norwich society as follows:

“ Addressed to the Secretary of the Norwich Patriotic Society.

“ FELLOW CITIZENS,

“ The barefaced aristocracy of the present administration has made it necessary to prepare to act upon the defensive, in case of any attack upon the patriots.

" A plan has been formed for carrying into effect this necessary business. Pike blades are made with hoops for the shafts to fit the top ends; the bottom end of the shafts should be about an inch thicker; and fir is recommended for the shafts, selected by persons who are judges of wood. The blades and hoops will be sold at the rate of one shilling, properly tempered and polished. The money sent with the orders.

(Signed) " RICHARD DAVIDSON.

" Direct to Robert Moody, China Square, Sheffield, to prevent the Post Master's suspicion."

Gentlemen, thus far it may be observed on one side, there does not seem to be any great anxiety to make use of the offer made from Sheffield, from the circumstance of that letter not having been sent to Norwich; on the other hand, sending this letter to Hardy is against the notion of pikes being introduced as a mere circumstance of self defence, because whatever necessity there might be for persons, who were attacked at Sheffield, to procure for themselves weapons of defence, in order to oppose violence that originated there, and ended there, it should have gone no further; when this is industriously set forward by Davidson, upon the idea of resisting any attack made upon the patriots by the armed minions, as he calls them; it seems as if that attack was sought, and as if these arms were more of an offensive nature than defensive; at the same time it is proper to observe, under all the circumstances it seems to be pretty clear it was wrote with a design to introduce arms, but there were none, in fact, sent up to London, and as far as appears by the evidence, very few indeed, appear to have been prepared at Sheffield; the evidence does not go to more than a dozen and an half, though, probably there might be more, there don't seem to have been prepared any great number; what this circumstance might lead to is only matter of conjecture; they were very dangerous weapons, and it is a very fortunate thing the discovery was made before there was a possibility of making a bad use of them. As it stands upon the whole of the evidence, it is a circumstance of some suspicion, but I think it does not go the length of fairly connecting itself with that part, which is a material part to which it should apply, to give it the full force the preparation of arms could give it.

They then produce a paper found upon Thelwall, written by Martin, and proved by Evan Evans to have been in Martin's possession before the 14th of April, that is a material date, because upon that day these resolutions were passed at Chalk Farm, and it contained resolutions that were to be proposed on the 14th of April. The witness, Evans, says, that Martin read them over in his hearing, and desired Pearce to take them to Chalk

Chalk Farm, which he did, and returned; he mentioned his having written this, and that he had put plenty of Kian pepper into it, and, if it took effect, there would be warm work. This goes a great way towards demonstrating he had in his mind an intention of violence to be put in practice on some occasion or other, and from the nature of the resolutions at Chalk Farm, and from the nature of the evidence, respecting a convention to be held under the circumstance of that resolution, and the former of the 20th January, undoubtedly it is evidence for your consideration, to shew that, in the mind of Martin, he contemplated force to be used upon the occasion of that convention. When I say it is proper to be submitted, I mean only to say, it is proper to submit it to your consideration, leaving you to make the inference upon it how far it should go. He was asked, whether he knew one Nicholas Gay, he said, No; the man he knew was one Richard Gay: then he was asked, if it was that M^r. Gay who travelled into Russia? he said, He could not tell; he could make nothing at all of it.

Gentlemen, the next evidence was as to Martin's hand writing in this paper, found upon Thelwall, and to another paper of the same import; that paper was read in evidence, and will be now read: to be sure it has a very bad and a very dangerous tendency.

" At a general meeting of the London Corresponding Society, held at ———, on Monday, the 14th day of April, 1794.

" Citizen ———, in the Chair.

" Resolved, That all sovereign, legislative, and judicial powers, are the rights of the people; and though the people have delegated those their original powers to others, in trust, for the benefit of the community, yet the rights themselves are reserved by the people, and cannot be absolutely parted with by the people to those persons who are employed to conduct the business of the state.

" Resolved, That the Constitution of England is held by the King, Lords, and Commons, and other officers appointed by the people, in trust, for the benefit of the people; and though these trustees may regulate and improve the constitution, yet they cannot alter or subvert it without committing treason against the nation.

" Resolved, That Magna Charta, or, the Great Charter of the Liberties of England, made in the reign of King John; the Petition of Rights, assented to by Parliament in the reign of King Charles the First; and the several laws made at and in consequence of the glorious Revolution, in the year 1688, are declaratory of those parts of the constitution of England, which are in and by them respectively declared.

" Resolved,

“ Resolved, That the office of King of England, was not instituted by the people merely as an office of profit and honour to the King; but he was so appointed as chief trustee, and guardian of the Constitution and Rights of the People; and that important and laborious personal duties are annexed to the regal office, the objects of which are, to promote the good of the people, and preserve their rights in full vigour from innovation and corruption.

“ Resolved, That it is the duty of the King to preserve the Constitution of England and the Rights of the People against every encroachment; and, in order to enforce that duty, the following oath is required to be taken by every King on his accession to the throne of Great Britain; to wit: The Archbishop or Bishop shall say—“ Will you solemnly promise and swear to govern the people of this Kingdom of England, and the dominions thereunto belonging, according to the statutes in Parliament agreed on, and the laws and customs of the same?”

“ The King or Queen shall say, “ I solemnly pronounce so to do.” Archbishop or Bishop—“ Will you to your power cause law and justice in mercy to be executed in all your judgments? Answer. “ I will.”

“ After this, the King or Queen, laying his or her hand on the holy gospel, shall say, ‘ The things which I have before promised I will perform and keep; so help me God:’—and then shall kiss the book.

“ Resolved, That his present Majesty King George the Third, on his accession to the throne of these realms, did solemnly take the said oath.

“ Resolved, That the Constitutional Rights of the people have been violated, and that it is the duty of the people, in the present crisis, to assemble and enquire into the innovations or infringements which have been made upon the rights of the people, and how far the declarations of the Constitution, as they were settled at the aforesaid revolution, remain in force, and which of them have been violated, and by whom; and also whether such innovations, infringements, or violations, have been committed from the negligence or corruption of those who have been entrusted with the government of the state.

“ Resolved, That this society do invite the people to meet in their respective neighbourhoods, to elect one or more person or persons as delegates, to meet in a convention, to be held on the — day of — next, at such place as shall be appointed by the Secret Committee of this Society, and that the delegates elected do forthwith transmit to the secretary of this society, No. 9, Piccadilly, London, the vouchers of their several elections,

tions, in order that the place of meeting may be duly notified to them.

“ Resolved, That it is the right and bounden duty of the people to punish all traitors against the nation, and that the following words are now not a part of the oath of allegiance; to wit, ‘ I declare it is not lawful, upon any pretence whatever, to take arms against the King.’

Gentlemen, I will make but one single remark upon that paper. I wish it had not been given in evidence; if I am right in what I feel in my own mind upon it, I wish it had not been given in evidence. The observation is this, that when it is seconded, it is very apparent, as far as appears from this paper, the convention proposed appears to be a convention which had nothing to do with a Reform in Parliament; that is the single remark I will make upon it.

The next piece of evidence was a paper produced by Lauzun, from Hardy, it purports to be proceedings of the Corresponding Society, at Chalk Farm; that paper I am afraid you must be troubled with.

“ At a general meeting of the London Corresponding Society, held on the Green, at Chalk Farm, on Monday the 14th of April 1794; J. Lovett, in the Chair. The following letters were read:

“ To the Chairman of the Society of the Friends of the People.

“ SIR,

At a crisis so important as the present, there needs no apology, on the part of the London Corresponding Society, for addressing itself to all other associated societies, who have in view the same object as themselves.

“ To the Society of the Friends of the People, arguments are not wanting to shew the importance and absolute necessity of a full and fair Representation of the people of Great Britain. They have investigated the subject for themselves; they have exposed to the world a series of plain and indisputable facts, which must excite in the mind of every man well disposed to his country, apprehensions of alarm for the security of the few remaining vestiges of liberty, from which, as Britons, we derive consolation.

“ Deeply impressed with considerations of this nature, the London Corresponding Society earnestly solicits, at this time, the concurrence and assistance of the Society of the Friends of the People, in assembling, as speedily as the nature of the business will admit, a convention of the Friends of Freedom, for the purpose of obtaining, in a legal and constitutional method, a full and effectual Representation.

“ Our

“ Our request is not made from the impressions of the moment, but after the maturest deliberations on the value and importance of the object for which we are contending, and of the difficulties we may expect from those whose present interests render them hostile to the welfare of their country.

“ The opposition of such persons is no small argument for the goodness of our cause ; and their late conduct, when compared with their former professions, exhibits a depravity, unparalleled, we trust, on the page of history.

“ Under the auspices of apostate reformers, we have lately beheld serious and alarming encroachments on the liberties of the people.

“ We have seen, with indignation and horror, men legally and peaceably assembled, dispersed by unconstitutional powers, and their papers seized.

“ We have seen some of our most virtuous brethren, whose only crime has been an imitation of Mr. Pitt, and his associates, sentenced to fourteen years transportation, without the sanction of law or even of precedent, of which number, one was held up in the British Parliament, as convicted and condemned, before he was even put upon his trial.

“ The insidious attempts also to introduce foreign troops into this country, without the consent of parliament, and the intended bill to embody foreigners into his Majesty's service, are measures sufficiently calculated to awaken our fears for the existence even of the name of liberty. Nor can we overlook that part of the present system of corruption which maintains, out of the public plunder, a train of spies, more dangerous to society than so many assassins, whose avowed business is to destroy the friends of the country, one by one.

“ These are grievances which demand immediate redress, and when added to those evils which are necessarily connected with every partial Representation of the people, call for the strenuous exertions of every lover of his country.

“ But we are told that the present is not the time for Reform, and that innovation may introduce disturbance. Are those persons to judge of the proper time to make a Reform, who exist only by corruption ? Are the people of Britain to endure every thing without repining ; without ardently seeking a radical Reform, because disturbances may happen ? Have the enemies to reform told us whence these disturbances are to originate ? Has a single overt act been committed by the Friends to Freedom ? Have not all the riots, all the public disturbances, all the seditious assemblies, been excited by the enemies to Reform ? And do they mean to tell us, that they will still find other instruments for their wicked designs ; that they have yet those who
will

will act over again the outrages that have been perpetrated in some parts of Britain, and attempted in others?

" If such is the determination of those persons hostile to a fair Representation, let them look to the consequences, but let them recollect that it has happened, and may happen again, that those who kindled the flames have perished by them.

" The Friends to Reform are friends to peace, their principles can be promoted only by peaceable means, they know of no other method of obtaining the object they desire. But they will not be alarmed by the threats of venal apostates, they will not draw back because they have seen some of their best friends doomed to exile. They will pursue the course in which they have begun, and turn neither to the right or to the left.

" Convinced, as the London Corresponding Society is, that as there is no power which ought, so there is no power which can finally withstand the just and steady demands of a people resolved to be free; they will therefore look with confidence to the determination, and they hope to obtain the co-operation of the Society of the Friends of the People, in the attainment of an object which involves the dearest interests of society.

" Convinced also, that their intentions are of the purest kind, they will never stoop to answer the calumnies of their enemies; but will at all times, and in all circumstances, endeavour, by firmness and perseverance, to deserve the countenance and approbation of the best friends of their country, the friends of a fair Representation of the People of Great Britain.

" I am, Sir,

" For the London Corresponding Society,

" April 4, 1794.

" THOMAS HARDY, Secretary."

" Committee-Rooms, Frith-street, April 11, 1794.

" SIR,

" Your letter of the 4th instant, addressed to Mr. Sheridan, Chairman of the Friends of the People, was laid before that society at their meeting, on Saturday last: and they instructed their Committee to thank the London Corresponding Society for their communication, and to express the alarm they feel, in common with every friend of liberty, at the late extraordinary proceedings of government, so ably detailed, and so justly reprobated by your society. They assure you, that all the Friends of Reform may look with confidence to the determination of co-operation of this society in every peaceable and constitutional measure, which shall appear to them calculated to promote the object of their institution; but they do not think that which is recommended in your letter, is likely to serve its professed purpose. They fear it will furnish the enemies of Reform with the means of calumniating its advocates, and so far from for-

warding the cause, will deter many from countenancing that which they approve. For these reasons, the Friends of the People must decline to send delegates to the convention proposed by the London Corresponding Society:—At the same time, they renew their assurances of good will and desire of preserving a proper understanding and cordiality among all the Friends of Parliamentary Reform, notwithstanding any difference of opinion that may occur as to the best method of accomplishing it.

“ In the name, and by order of the Committee,

(Signed)

“ W. BRETON, Chairman.

“ To Mr. T. Hardy, Secretary to the
London Corresponding Society.”

“ The following Resolutions were then passed unanimously :

“ Resolved unanimously, I. That this society have beheld, with rising indignation, proportioned to the enormity of the evil, the late rapid advances of despotism in Britain ; the invasion of public security ; the contempt of popular opinion ; and the violation of all those provisions of the constitution intended to protect the people against the encroachments of power and prerogative.

“ II. That our abhorrence and detestation have been particularly called forth by the late arbitrary and flagitious proceedings of the Court of Justiciary in Scotland, where all the doctrines and practices of the Star Chamber, in the times of Charles the First, have been revived and aggravated ; and where sentences have been pronounced, in open violation of all law and justice, which must strike deep into the heart of every man, the melancholy conviction that Britons are no longer free.

“ III. That the whole proceedings of the late British Convention of the people at Edinburgh, are such as claim our approbation and applause.

“ IV. That the conduct of Citizens Margarot and Gerald, in particular, by its strict conformity with our wishes and instructions, and the ability, firmness, and disinterested patriotism which it so eminently displayed, has inspired an enthusiasm of zeal and attachment which no time can obliterate, and no persecution remove ; and that we will preserve their names engraven on our hearts, till we have an opportunity to redress their wrongs.

“ V. That any attempt to violate those yet remaining laws, which were intended for the security of Englishmen against the tyranny of Courts and Ministers, and the corruption of dependent Judges, by vesting in such Judges a legislative or arbitrary power (such as has lately been exercised by the Court of Justiciary in Scotland) ought to be considered as dissolving entirely the social compact between the English nation and their governors ;

nors ; and driving them to an immediate appeal to that incontrovertible maxim of eternal justice, that the safety of the people is the Supreme, and in cases of necessity, the only law.

“ VI. That the arming and disciplining in this country, either with or without the consent of Parliament, any bands of emigrants and foreigners, driven from their own country for their known attachment to an infamous despotism, is an outrageous attempt to overawe and intimidate the free spirit of Britons ; to subjugate them to an army of mercenary cut-throats, whose views and interest must of necessity be in direct opposition to those of the nation, and that no pretence whatever ought to induce the people to submit to so unconstitutional a measure.

“ VII. That the unconstitutional project of raising money and troops by forced benevolences (and no benevolences collected upon requisition from the King or his ministers can ever in reality be voluntary) and the equally unjustifiable measures of arming one part of the people against the other, brought Charles the First to the block, and drove James the Second and his posterity from the throne ; and that consequently ministers, in advising such measures, ought to consider whether they are not guilty of high treason.

“ VIII. That this society have beheld with considerable pleasure the consistent respect which the House of Lords displayed for their own constitutional rules and orders, on the 4th of the present month, upon the motion of Earl Stanhope, concerning the interference of ministers in the internal government of France ; and that it is the firm conviction of this society, that this circumstance, when properly detailed, will have a considerable effect in convincing the country at large, of the true dignity and utility of that branch of his Majesty's Parliament.

“ IX. That the thanks of this meeting be given to Earl Stanhope, for his manly and patriotic conduct during the present session of Parliament ; a conduct which (unsupported as it has been in the senate, of which he is so truly honourable a member) has, together with the timely interference of certain spirited and patriotic associations, been nevertheless already productive of the salutary effect of chasing the Hessian and Hanoverian mercenaries from our coast ; who, but for these exertions, might have been marched perhaps, ere this, into the very heart of the country, together with others of their countrymen, to have peopled the barracks, which everywhere insult the eyes of Britons.

“ X. That it is the firm conviction of this society, that a steady perseverance in the same bold and energetic sentiments, which have lately been avowed by the Friends of Freedom, cannot fail of crowning, with ultimate triumph, the virtuous

cause in which we are engaged, since whatever may be the interested opinions of hereditary senators, or packed majorities of pretended representatives; truth and liberty, in an age so enlightened as the present, must be invincible and omnipotent."

"This society having already addressed M. Margarot, their delegate, an address to Joseph Gerald was read as follows, and carried unanimously:

"To Joseph Gerald, a prisoner, sentenced by the High Court of Justiciary of Scotland, to transportation beyond the seas, for fourteen years.

"We behold in you, our beloved and respected friend and fellow-citizen, a martyr to the glorious cause of equal representation, and we cannot permit you to leave this degraded country without expressing the infinite obligations the people at large, and we in particular, owe to you for your very spirited exertions in that cause upon every occasion; but upon none more conspicuously than during the sitting of the British Convention of the people at Edinburgh, and the consequent proceeding (we will not call it trial) at the bar of the Court of Justiciary.

"We know not which most deserves our admiration, the splendid talents with which you are so eminently distinguished; the exalted virtues by which they have been directed; the perseverance and undaunted firmness which you so nobly displayed in resisting the wrongs of your insulted and oppressed country; or your present manly and philosophical suffering under an arbitrary, and till of late unprecedented sentence: a sentence one of the most vindictive and cruel that has been pronounced since the days of that most infamous and ever-to-be-detested Court of Star Chamber, the enormous tyranny of which cost the first Charles his head.

"To you and to your associates we feel ourselves most deeply indebted. For us it is, that you are suffering the sentence of transportation with felons, the vilest outcasts of Society! For us it is, that you are doomed to the inhospitable shores of New Holland; where, however, we doubt not you will experience considerable alleviation by the remembrance of that virtuous conduct for which it is imposed on you, and by the sincere regard and esteem of your fellow-citizens.

"The equal laws of this country have, for ages past, been the boast of its inhabitants: But whither are they now fled? We are animated by the same sentiments, are daily repeating the same words, and committing the same actions for which you are thus infamously sentenced; and we will repeat and commit them until we have obtained redress; yet we are unpunished! either, therefore, the law is unjust towards you in inflicting punishment

nishment on the exertion of Virtue and Talents, or it ought not to deprive us of our share in the Glory of the Martyrdom.

" We again, therefore, pledge ourselves to you and to our country, never to cease demanding our Rights from those who have usurped them, until having obtained an equal representation of the people, we shall be enabled to hail you once more with triumph to your native country. We wish you health and happiness; and be assured we never, never shall forget your name, your virtues, nor your Great Example.

" The London Corresponding Society,

" JOHN LOVETT, Chairman,

" THOMAS HARDY, Secretary.

" The 14th of April, 1794."

" It was also unanimously resolved,

" That the Committee of Correspondence be directed to convey the approbation of this Society. I. To Archibald Hamilton Rowan, prisoner in the Newgate of the city of Dublin, for his unshaken attachment to the people, and his spirited assertion of their rights.

" II. To John Philpot Curran, for his admirable and energetic defence of A. H. Rowan, and the principles of Liberty, as well as for his patriotic conduct in Parliament.

" III. To the Society of United Irishmen in Dublin, and to exhort them to persevere in their exertions to obtain justice for the people of Ireland.

" IV. To Skirving, Palmer, and Muir, suffering the same iniquitous sentences, and in the same cause with our Delegates.

" V. To John Clark, and Alexander Reid, for their so readily and disinterestedly giving bail for our delegates, instigated thereto solely by their attachment to liberty, uninfluenced by any personal consideration.

" VI. To Adam Gillies, Malcolm Laing, and James Gibson, for their able assistance given to Joseph Gerald, at the bar of the High Court of Justiciary, at Edinburgh.

" VII. To felicitate Mr. Thomas Walker, of Manchester, and the people at large, on the event of his, as well as several other late trials; and on the developement of the infamy of a system of spies and informers.

" VIII. To Sir Joseph Mawbey, for his manly conduct at the late surreptitious meeting held at Epsom, in Surrey.

" It was also unanimously resolved,

" That two hundred thousand copies of the proceedings and resolutions of this Meeting be printed and published.

" J. LOVETT, Chairman,

" T. HARDY, Secretary.

" Resolved,

“ Resolved,

“ That the thanks of this meeting be given to the chairman, for his manly and impartial conduct this day.

“ T. HARDY, Secretary.”

Gentlemen, you see what the import of this paper is, they call a very numerous meeting to be held at Chalk Farm; they introduce their resolutions, with a letter of their own to another society, called the Friends of the People, in which they recommend to that society to concur with them in calling a convention; they read the answer of that society declining the sending delegates to that convention; and they pursue no further in that meeting the idea of a convention; they then proceed to pass strong and violent resolutions. The 5th resolution, to be sure, is very violent indeed, for one can hardly say it is any thing short of a direct resolution that the social compact is dissolved, and that the people are, therefore, driven “ to an immediate appeal to that incontrovertible maxim of eternal justice, that the safety of the people is the supreme, and in cases of necessity, the only law;” which, in truth, is an appeal to force; what makes me say, it seems to be direct affirming that the social compact is dissolved, is, because it says, “ That any attempt to violate those yet remaining laws, which were intended for the security of Englishmen against the tyranny of Courts and Ministers, and the corruption of dependent Judges, by vesting in such Judges a legislative or arbitrary power (such as has lately been exercised by the Court of Justiciary in Scotland) ought to be considered as dissolving entirely the social compact between the English nation and their governors; and driving them to an immediate appeal to that incontrovertible maxim of eternal justice, that the safety of the people is the supreme, and in cases of necessity, the only law.”

Then if any attempt to violate those remaining laws, and if it is affirmed in this proposition, that the court of Justiciary in Scotland, has by its manner of exercising the power invested in it, violated the laws, it is very difficult, upon the strict letter of the resolution, to avoid saying, it is very little short of resolving the social compact is dissolved; or supposing it falls short of a direct affirmance, how near it goes to it, and how it leaves the moment when this social compact is to be taken to be entirely dissolved, at the mercy of all those who may take upon themselves to imagine the time is arrived when the social compact is dissolved, and that there is no appeal but to force; if any thing, it is more directly calculated to raise a civil commotion in the country; and one can hardly imagine what views men could have for publishing such resolutions, who had a peaceable measure in view, namely, a convention of a peaceable nature; a peaceable convention being in
agitation,

agitation, and the society meeting to pass that resolution, does seem to be utterly incomprehensible, and it is in that respect, to be sure, a very weighty evidence, with respect to the general design of those who led that multitude of people at Chalk Farm; it should be observed, in justice to the prisoner, that the only evidence that does connect him with it is the evidence of the communication to the Constitutional Society, that a meeting was intended to be held; it does seem to me as if that fell very far short of implicating him in those resolutions, therefore, those resolutions must be considered as resolutions of that assembly of people at Chalk Farm; it must be left to you, upon all the circumstances of the case, whether resolutions of that nature entered into in that public manner, did receive the consent of the prisoner, so that you may find yourselves authorized to infer that he did in any manner concur, or participate in these resolutions, which go totally to destroy all pretence to hold a convention in a peaceable manner for those lawful purposes which the general object of their meetings, a reform in parliament, import.

Gentlemen, the next piece of evidence is the proceedings of the Constitutional Society, upon the 9th of May, 1794, when Mr. Horne Tooke was present; there was then read a pamphlet containing certain proceedings of the London Corresponding Society, of which 2000 copies were ordered to be printed, one of those were found upon Adams. The pamphlet produced contains the proceedings of the 25th and 28th of March, of the Constitutional Society, and the proceedings of the 27th March, of the Corresponding Society, and the resolutions of 28th March, respecting Mr. Muir; and, if I take it right, those are the only material parts this pamphlet contains. There were some toasts drank after dinner, but they seem to be no otherways material than to fix upon the prisoner a full knowledge of the circumstances that passed in that society, and the other society, upon those days. I cannot see any other particular application. You may read the toasts.

“ After dinner the following sentiments were given with unbounded applause :

“ 1. The rights of man.

“ 2. A free constitution.

“ 3. The swine of England, the rabble of Scotland, and the wretches of Ireland.

“ 4. Equal laws and liberty.

“ 5 May despotism be trodden under the hoofs of the swinish multitude.

“ 6. The armies contending for liberty.

“ 7. Wisdom, firmness, and unanimity to all the patriotic societies in Great Britain.

“ 8. The

" 8. The reign of peace and liberty.

" A citizen then rose, and in a short speech observed, that the stewards seemed to have forgotten, in their lists of toasts, a person who had done more than almost any man towards the reign of peace and liberty. He would, therefore, propose as a toast, ' Lord Stanhope.'

" An amendment was proposed, ' that instead of Lord Stanhope, Citizen Stanhope should be drank,' which was received with unbounded applause.

" 9. May the public revenue never be applied to purposes of corruption.

" 10. The victims to the cause of liberty suffering under the sentences of the Court of Justiciary.

" 11. Archibald Hamilton Rowan, and the patriots of Ireland.

" 12. The persecuted patriots of England.

" 13. May the abettors of the present war be its victims.

" 14. The Chairman, and success to his exertions in the cause of freedom.

" Mr. Wharton thanked the company for their marked approbation of his conduct, and pledged himself to continue his efforts in the cause of liberty. He then said, he would propose as a toast—

" 15. That steady friend to liberty, John Horne Tooke.

" Mr. Tooke said, he hoped it would be the last time his health would be drank; his ambition was, that hereafter his memory should be given.

" 16. May all governments be those of the laws, and all laws those of the people.

" 17. Thomas Paine.

" The chairman then gave as a concluding toast, a sentiment directly in opposition to that of Mr. Windham.

" 18. Prosperity to the commerce and manufactures of Great Britain."

Gentlemen, if any observation occurs to you upon these toasts you will make them—I don't press any thing upon that piece of evidence.

Gentlemen, the next witness called was William Sharpe, he says he is a member of the Constitutional Society, that he became so two years and a half ago, that he was proposed by Mr. Horne Tooke, and attended the society down to 1794. He says, he remembers a letter from the London Corresponding Society, respecting calling a convention. He says, he remembers five people coming to meet the Constitutional Society, that he was himself proposed by Mr. Horne Tooke to be one of the committee to meet them, but he does not appear to be present by the report

report made by the chairman of that committee. He says, he knew nothing of the meeting of the Committee of Correspondence. Upon his cross-examination, he says, he was recommended because Mr. Horne Tooke had a good opinion of him. He has heard Mr. Horne Tooke say, he would rather be governed by St. James's than St. Giles's. He says, their intercourse began in consequence of a wish Mr. Horne Tooke had that his daughters might be learned engraving. He says, that Mr. Tooke kept a horse, which he seldom rode upon, and that he walked out very seldom, perhaps not more than two or three times in a year; that he spent his time in the morning in his garden, and in looking over books, and in the evening by playing at whist. He says, he remembers a circumstance of a letter coming from Ireland to Mr. Tooke, which he thought was Mr. Paine's, and which he put into the fire without opening. He says, on 15th of May, he dined with Mr. Horne Tooke, in Spital Square; and, he says, there was a letter supposed to be intercepted, written by Mr. Joyce to Mr. Horne Tooke. Whether Mr. Tooke ever received a letter from Mr. Joyce, or answered any, he cannot tell. He says the letter intercepted was supposed to relate to something that Mr. Horne Tooke was to do with the red book, and that the circumstance was laughed at. The letter was produced and was read; it states, that Hardy had been taken up that morning and his papers seized, then it concludes, "is it possible to get ready by Thursday." It was thought those words were mysterious, and that some mischief was intended; in consequence of that government took some precautions; but whether it was so or not, does not directly appear: If it was no man can impute blame, but on the contrary it deserves the acknowledgments of the people. To be sure holding out that sort of conversation, and the exterior of all this business was such as justified alarm, and made it necessary for government to take the measures they did, and to be upon their guard. You will consider it as it stands, taking the whole together. He says, he has gone to Wimbledon with Mr. Horne Tooke, that during the business of the Scotch Convention, he used to go away early, because he did not like it; sometimes, he says, he would stay till ten at night, and sometimes go away early. He says, he understood that those words, "is it possible to get ready by Thursday?" alluded to Mr. Tooke's being ready with an extract, from the Court Calendar, of the places and pensions Mr. Pitt's family enjoyed, which he was to extract; and, he says, he thinks he saw some light horse somewhere about Spital Square, where they dined. I have observed upon that, and upon the letter itself; one must observe that that single line, thrown in immediately upon the point of Hardy's capture, created a great deal

of alarm, and does not very well fall in with that turn given to it, at the same time it may be and ought to be so understood. He says, Mr. Tooke used to be desirous of long adjournments, and wished to live much in his garden, and wished an act of parliament to be passed to make it death for him to go out. He says, being a member of the Constitutional Society, he used to dine there; that they permitted visitors to dine there, and that there was nothing secret in their conversation; that he knew nothing of the transactions of the society, and that he did not, for his part, read proceedings, nor does he know who did. He says, there were frequent debates in the society, but no secret committee; that they used to joke about their correspondence, when, in truth, they had no correspondence, and that when a committee of correspondence was named, he does not know that they ever met. He says, he never heard Mr. Tooke say any thing against the constitution of the country, as formed of King, Lords, and Commons. He says, he received letters from the country in consequence of Mr. Tooke's appearing not warm in the business, and wishing to know whether he was not pensioned by the court, and whether he had not deserted the cause of liberty. He says, he remembers Mr. Horne Tooke in conversation, distinguishing between assisting a man to do a thing, and assisting him after he had done it, which thing he happened to dislike. He says Mr. Tooke had a general company on a Sunday; that they came between two and four, and went away about seven or eight; that they had open and general conversation; but does not remember any thing dangerous ever passed. He says, he has often heard Mr. Tooke say, if there was any trouble, he supposed he himself should be one of the first victims, because he had opposed all mischievous characters, and would do so if he was execrated by all the world, for he would do what it was his duty to do. He says, he dined with Mr. Tooke on the 2d of May, that there was a conversation about Mr. Horne Tooke, and it was, that he had made an aristocratic speech. He says, it was an easy thing to get admitted into that society, and that he thought Mr. Horne Tooke careless about the society. He says, he thinks a reform in the House of Commons was Mr. Tooke's real sentiments, and that if things were brought back to the state of things at the Revolution every thing would be right. He says, he was taken into custody by a warrant for treasonable practices. He says, he thought the object of the society was a reform in parliament, and that they did not mean to use force. He says, he was a member of the committee of correspondence and co-operation, but that Mr. Tooke was not. He does not remember any of the associated members attending. He says, he does not know whether 100,000 copies were ever printed; that he never heard Mr. Tooke consent to
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any attack upon any establishment, civil or religious. He is asked, whether he was a bigot to any particular religion? to which question he might have answered with the decency with which it was put, but he answered it roughly, that he thought he was of no religion at all. He says, he paid a guinea a year to the society; and if any thing besides a guinea had been demanded he should not have thought himself answerable.

Gentlemen, they then called Christopher Hull, who said he was a member of the Constitutional Society, and had been so from 1791; he recollects nothing else but Joyce being in the chair at their dinner, but remembers nothing of a report made, or sent.

They then introduced a report, found at Hardy's, of the Constitutional Society and Corresponding Society; that paper has been read; it only tends to confirm the truth of these people having met, and having made that report. They then call for another paper found upon Hardy, which purports to be an appointment of Vaughan to attend as delegate for forming a code of laws for the government of the Corresponding Society, in 1792, at the time of the Corresponding Society taking place. They did not frame their constitution on which they were to go on, and Mr. Vaughan was desired to take a part in framing that constitution.

Gentlemen, they then produced a letter from Thomas Paine to the people of France, published, and it seems to have been distributed gratis, by the London Corresponding Society, 200 copies appear to have been sent to the Constitutional Society; that paper was read, and there the evidence on the part of the prosecution closes. That letter must be read.

“ Letter from Thomas Paine to the people of France, published and distributed gratis, by the London Corresponding Society.

“ France, Sept. 25.

“ First Year of the French Republic.

“ FELLOW CITIZENS,

“ I received with affectionate gratitude, the honour which the late National Assembly has conferred upon me, by adopting me a citizen of France; and the additional honour of being elected by fellow citizens a member of the National Convention. Happily impressed, as I am, by those testimonies of respect shewn towards me as an individual, I feel my felicity increased by seeing the barrier broken down that divided patriotism by spots of earth, and limited citizenship to the soil, like vegetation.

“ Had those honours been conferred in an hour of national tranquillity, they would have afforded no other means of shewing my affection, than to have accepted and enjoyed them; but

they come accompanied with circumstances that give me the honourable opportunity of commencing my citizenship in the stormy hour of difficulties. I come not to enjoy repose. Convinced that the cause of France is the cause of all mankind, and that as liberty cannot be purchased by a wish, I gladly share with you the dangers and honours necessary to success.

"I am well aware that the moment of any great change, such as that accomplished the 10th of August, is unavoidably the moment of terror and confusion. The mind highly agitated by hope, suspicion, and apprehension, continues without rest till the change be accomplished. But let us now look calmly and confidently forward, and success is certain. It is no longer the paltry cause of Kings, or of this or of that individual, that calls France and her armies into action. It is the great cause of all. It is the establishment of a new æra, that shall blot despotism from the earth, and fix, on the lasting principles of peace and citizenship, the great republic of man.

"It has been my fate to have borne a share in the commencement and complete establishment of one revolution (I mean the revolution of America). The success and events of that revolution are encouraging to us. The prosperity and happiness that have since flowed to that country, have amply rewarded her for all the hardships she endured, and for all the dangers she encountered.

"The principles on which that revolution began, have extended themselves to Europe; and an over-ruling Providence is regenerating the old world by the principles of the new. The distance of America from all the other parts of the globe, did not admit of her carrying those principles beyond her own situation. It is to the peculiar honour of France, that she now raises the standard of liberty for all nations; and, in fighting her own battles, contends for the rights of all mankind.

"The same spirit of fortitude that insured success to America, will insure it to France; for it is impossible to conquer a nation determined to be free! The military circumstances that now unite themselves to France, are such as the despots of the earth know nothing of, and can form no calculation upon. They know not what it is to fight against a nation. They have only been accustomed to make war upon each other, and they know, from system and practice, how to calculate the probable success of despot against despot; and here their knowledge and experience end.

"But in a contest like the present, a new and boundless variety of circumstances arise, that deranges all such customary calculations. When a whole nation acts as an army, the despot knows not the extent of the power against which he contends,

tends. New armies rise against him with the necessity of a moment. It is then that the difficulties of an invading enemy multiply, as in the former case they diminished; and he finds them at their height when he expected them to end.

“ The only war that has any similarity of circumstances with the present, is the late revolution-war in America. On her part, as it now is in France, it was a war of the whole nation. There it was that the enemy, by beginning to conquer, put himself in a condition of being conquered. His first victories prepared him for defeat. He advanced till he could not retreat, and found himself in the midst of a nation of armies.

“ Were it now to be proposed to the Austrians and Prussians to escort them into the middle of France, and there leave them to make the most of such a situation, they would see too much into the dangers of it to accept the offer, and the same dangers would attend them could they arrive there by any other means. Where then is the military policy of their attempting to obtain by force, that which they would refuse by choice. But to reason with despots is throwing reason away. The best of arguments is a vigorous preparation.

“ Man is ever a stranger to the ways by which providence regulates the order of things. The interference of foreign despots may serve to introduce into their own enslaved countries the principles they come to oppose. Liberty and equality are blessings too great to be the inheritance of France alone. It is honour to her to be their first champion: and she may now say to her enemies, with a mighty voice, ‘ O! ye Austrians, ye Prussians! ye who now turn your bayonets against us; it is for you; it is for all Europe; it is for all mankind, and not for France alone, that she raises the standard of liberty and equality!’

“ The public cause has hitherto suffered from the contradictions contained in the constitution of the former constituent assembly. Those contradictions have served to divide the opinions of individuals at home, and to obscure the great principles of the revolution in other countries. But when those contradictions shall be removed, and the constitution be made conformable to the Declaration of Rights; when the bagatelles of monarchy, royalty, regency, and hereditary succession, shall be exposed, with all their absurdities, a new ray of light will be thrown over the world, and the revolution will derive new strength by being universally understood.

“ The scene that now opens itself to France extends far beyond the boundaries of her own dominions. Every nation is becoming her colleague, and every court is become her enemy.

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It is now the cause of all nations against the cause of all courts. The terrors that despotism felt, clandestinely begot a confederation of despots; and their attack upon France is produced by their fears at home.

“ In entering on this great scene, greater than any nation has yet been called to act in, let us say to the agitated mind—Be calm. Let us punish by instructing, rather than by revenge.—Let us begin the new æra by a greatness of friendship, and hail the approach of union and success.

“ Your Fellow-Citizen,

“ THOMAS PAINE.”

Gentlemen, that closes the case on the part of the prosecution, I am afraid the case of the prisoner will take so much time, it will be proper for every body to take some refreshment, which will enable us to get through to-night.

(Adjourned for one hour.)

Lord President. Gentlemen of the Jury; I shall now proceed to state to you the evidence that has been offered upon behalf of Mr. Horne Tooke, the prisoner at the bar.

Gentlemen, The first witness he called was Major Cartwright, who says he was a member of the Society for Constitutional Information from its first institution, by Dr. Brocklesby, Dr. Jebb, and Mr. Capel Loft, who were among the earliest members: he says their object was to give to the public Constitutional Information, and in particular with a view to the recovery of what they conceived their lost rights, meaning the representation of the House of Commons: he says, he never entertained an idea that the object was changed; that for the last two years it has not been in his power to attend; that he has been many years in the habit of attending till the last two years, but never observed any change as to the object in view: he says, the general sentiments of the Society was Universal Suffrage and Annual Parliaments; that the Society was instituted before the Duke of Richmond's plan was made, but the Duke's conduct met with the approbation of the Society: he says, he understands the Duke's letter to Colonel Sharman merited their approbation: he says, with respect to the Duke of Richmond's plan and bill brought into parliament, he can speak to the particular knowledge of himself and other gentlemen, because he had conversations with him on the subject: he cannot say the sole object of the Society was to act on the Duke of Richmond's plan, but their great object was a radical reform of the House of Commons, but there was a considerable difference of opinion: he said many would have been content with considerable less than that. He says, that if he had perceived they had not been friends to the government, or meant to sub-
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vert it, he would have remained in the Society, but that should have been only for the purpose of getting rid of them who had that intention. He says no man ever started such an idea, and that no motion was ever made of the kind. He says he has known the prisoner sixteen years very intimately, that he always appeared from his public conduct and private conversation, to be a steady, firm, and inflexible friend to a reform in the House of Commons. He says he does not know that Mr. Tooke had any particular objection to the Duke of Richmond's plan, but he did not entirely concur in it. He says, that of all men he ever knew, Mr. Tooke appeared to be the steadiest and most immovable in opinion. He says, he never heard any thing from him disrespectful with regard to the office of royalty, but quite the reverse. He says, that at times when other opinions were put abroad, he always found Mr. Horne Tooke hold, that the regal and aristocratical parts of the Constitution were excellent in themselves, and that if a reform in the other branch of the Constitution could be obtained, then the English Constitution would be the most perfect upon earth; he says, that is his opinion with respect to what passed in Mr. Tooke's mind. He says he has not seen him since the spring of the year 1792, that at that time he observed no variation in his opinion: he says he recollects an illustration made use of by Mr. Tooke to shew that his objects did not go the length of Mr. Paine's: he says he remembers Mr. Tooke illustrating it, by speaking of persons travelling in a stage coach to a certain distance, and saying, supposing we are to go to Windsor, I will get out at Hounslow; and those who are for Universal Suffrage may go further: he says Mr. Tooke did not write the letter to the Society of the Friends of the People, the witness subscribed it as Chairman. He says it was written as a friendly solemn warning to that society, which was composed in a considerable degree of Members of Parliament, to guard them against a departure from those principles, which they once professed friendly to the Constitution: he says it was the result of general observation that such had been the practice. He says they meant a Reform in the House of Commons, but nothing beyond it. The witness said he was a member of the new Society of the Friends of the People, that they knew he was a member of the Constitutional Society, and he believes there might be others members of both Societies, and he instances Dr. Towers as of those persons. He says their object was to preserve the Constitution, and to restore it to its true principles; that he never heard any thing of violence in agitation; that he himself was the father or founder of this society; that he was not acquainted

ed with Mr. Tooke till after he became a member of that Society. He says that Mr. Tooke never professed himself to be a friend or favourer of Universal Suffrage. He says that Mr. Tooke disputed with him upon it; that Mr. Tooke supposed he built his argument upon Locke's plan; and he says, his observation was, when he talked of Locke, he called it his dogma, and that it would not bear him out in the conclusion he drew from it. He says Mr. Tooke thought that both Locke and himself was mistaken. He says, upon a proposition to publish an engraving with writings round it to support Universal Suffrage, that Mr. Tooke by no means approved of it, and that he did not approve of a great part of Mr. Paine's writings, but that he thought other parts of his writings would be beneficial not only to this nation but to others; that he approved of Locke, but that he never was for a pure democracy. He says he has heard him contest with those who did.

Gentlemen, upon being cross examined, he says, the 25th of May 1792, was the last time he was present in the society: he says, he has not seen Mr. Tooke since he left town; that he was not a party to the addresses sent to France; that the subject of a convention was not agitated while he was a member. He says, he does not recollect any conversation about the vipers monarchy and aristocracy; but if those words were applied to a government where monarchy and aristocracy were vipers, he thought the terms well applied. He says, that the letter to the Friends of the People might be understood to be an admonition for the purpose he mentioned: he says, he thinks their letter was carried by one casting voice, and that there was an allusion to Paine's plan being carried into execution—that he recollects the expression is taken from a resolution of the Constitutional Society, approving a resolution sent up from Manchester, composed in these terms: "the other great plan of public benefit which Mr. Paine has so powerfully recommended, will be speedily carried into effect." He says, he does not remember the circumstance: he says, there was no explanation of the letter by the society for Constitutional Information, but there were private explanations by himself, and others: he says, he does not recollect a letter of the 26th of May 1792, from Sheffield, to the Constitutional Society, upon the subject of a difference between those societies: he says, he has some recollection of some associated members being introduced from Sheffield, but he did not know their names: he says, he does not recollect a resolution, signed Thomas Hardy, by Mr. Tooke; that he did not know that the prisoner had been consulted about the constitution of the London Corresponding Society;

Society; that he recollects the declaration coming from the Three Tuns Tavern, and that it might be introduced by words used by the National Convention: he says, he thinks Mr. Paine was an honorary member of the Constitutional Society, and attended pretty much while he was in England: he says, he meant to obtain a reform in the House of Commons; that he did not mean to govern his proceedings by any set of men whatever, but he was very glad to go with any man towards obtaining it: he says, he saw some letter from Mr. Paine, stating the profit of his work amounted to 1,000*l.* of which he made an offer to the society, but he does not know that it was accepted: he says, he does not recollect being in the chair when they determined to support Paine in the prosecution; but, he says, it was probable he might be. He says, it was not then known what parts were prosecuted; that he did not consider Paine's writings as a conspiracy to overturn the government, but as discussions upon the subject of government—that if he had thought there had been any conspirators in the society, he would have tried to bring them to justice. He says, he thinks he recommended Mr. Tooke to the society; and he heard, before he formed that respect for Mr. Tooke, he had been convicted of a libel. Gentlemen, that is the evidence of Major Cartwright.—They then proposed to read the Duke of Richmond's plan, which was read, and must now be read.

A Letter from his Grace the Duke of Richmond to Lieutenant Colonel Sharman, of the Irish Volunteers.

“ SIR,

“ I have been honoured with a letter from Belfast, dated the 19th of July last, written in the name of the Committee of Correspondence, appointed by the delegates of forty-five Volunteer Corps, assembled at Lisburn, on the first of the same month, for taking preparatory steps to forward their intentions on the subject of a more equal representation of the people in parliament, and signed by their secretary, Henry Joy, jun. esq.

“ In this letter, after shewing the corrupt state of the boroughs in Ireland, the general opinion of the people that the constitution can be restored to its ancient purity and vigour by no other means than a parliamentary reform, and informing me of the steps which have been taken and are taking by the Volunteers, in determining to procure this desirable object, the committee is pleased to request my sentiments and advice as to the best, most eligible, and most practicable mode of destroying, restraining, or counteracting this hydra of corruption—borough influence, in order to lay my opinion be-

fore the provincial assembly of delegates, which is to be held at Dungannon on the 8th of September next.'

" This great mark of confidence from gentlemen in whom so much trust is placed, does me great honour: for as I have not the pleasure of being personally known to any of them, I can owe it but to the favourable opinion they are pleased to entertain of my constant and zealous endeavours in the public service.

" I am sensible that the only proper return I can make for this honourable distinction, is to obey their commands in the best manner I am able; for although my insufficiency for so arduous a task would afford me but too good an excuse for declining it, yet I feel it would be inconsistent with my ideas of the obligation every man is under to serve the public as well as he can, if I was to refuse giving my opinions, such as they are, when thus called upon by a respectable body of gentlemen.

" Besides my inability, I have to regret the want of time to collect and arrange my thoughts in such a manner as to be fit to appear before you, and the necessary limits of a letter, which will not admit of the extensive investigation which a subject of this vast importance deserves; for although I fear I must be long, I am sensible I cannot do it justice.

" The subject of a parliamentary reform is that which of all others, in my opinion, most deserves the attention of the public, as I conceive it would include every other advantage which a nation can wish; and I have no hesitation in saying, that from every consideration which I have been able to give to this great question, that for many years has occupied my mind, and from every day's experience to the present hour, I am more and more convinced that the restoring the right of voting universally to every man, not incapacitated by nature for want of reason, or by law for the commission of crimes, together with annual elections, is the only reform that can be effectual and permanent. I am further convinced that it is the only reform that is practicable.

" All other plans that are of a palliative nature, have been found insufficient to interest and animate the great body of the people, from whose earnestness alone any reform can be expected. A long exclusion from any share in the legislature of their country, has rendered the great mass of the people indifferent whether the monopoly that subsists, continues in the hands of a more or less extended company; or, whether it is divided by them into shares of somewhat more or less just proportions. The public feels itself unconcerned in these contests, except as
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to the oppressions it endures, and the exactions it suffers, which it knows must continue so long as the people remain deprived of all controul over their representatives. This indifference of theirs, when the last attempt was made for additional county members, was used by our opponents as an argument against all reform; it was asked, with a triumphant air, where are the petitions from the inhabitants of Birmingham, Manchester, Halifax, and other great unrepresented towns? And their silence was deemed a proof of their acquiescence and satisfaction in the present form of elections! The truth is, that the people have been so often deceived, that they will now scarcely trust any set of men; and nothing but self-evident conviction, that a measure tends effectually to the recovery of their rights, can, or, indeed, ought, to interest them in its favour.

“ The lesser reform has been attempted with every possible advantage in its favour; not only from the zealous support of the advocates for a more effectual one, but from the assistance of men of great weight, both in and out of power. But with all these temperaments and helps it has failed. Not one proselyte has been gained from corruption, nor has the least ray of hope been held out from any quarter, that the House of Commons was inclined to adopt any other mode of reform. The weight of corruption has crushed this more gentle, as it would have defeated any more efficacious plan in the same circumstances.— From that quarter, therefore, I have nothing to hope. It is from the people at large that I expect any good. And am convinced, that the only way to make them feel that they are really concerned in the business, is to contend for their full, clear, and indisputable rights of universal representation. I call them such, not only from my own conviction, but from the admission of the friends to the more moderate plan, who, in the second address of the Yorkshire committee to the people, confess that our claims are founded on the true principles of the constitution, and only object to them on account of impracticability. But their plan has had now a fair trial, and (if it is from the inclination of parliament that practicability is to be expected) has been found as impracticable as ours. The more extensive plan, at the same time that its operation is more complete, depends on a more effectual support, that of the people.

“ I am also persuaded, that if the scheme for additional county members had proceeded any further, infinite difficulties, would have arisen in adjusting it. Neither the Yorkshire committee, nor Mr. Pitt, have given the detail of their plan. A just repartition would have been a most intricate task, for where different interests are separately represented, the proportion is not very easy to ascertain. The doubt you state concerning this mode of

reform appears to me well founded ; a few great families might divide a county between them, and chuse the members by a house list, like East India Directors. Another difficulty, from the encrease of the number of members, which might render the house more tumultuous than deliberate, has its weight. But the greatest objection, in my opinion, to this and to every other narrow and contracted plan of reform, is that it proceeds upon the same bad principles as the abuse it pretends to rectify ; it is still partial and unequal ; a vast majority of the community is still left unrepresented ; and its most essential concerns, life, liberty, and property, continue in the absolute disposal of those whom they do not chuse, and over whom they have no controul. In the arrangements of plans of this kind there is no leading principle to determine that the addition ought to be one hundred, fifty, or two hundred ; that the allotment should be according to the population, property, or taxes paid in each county ; that any supposed proportion between the landed and trading interest is the just one, and that the division of county and city members will correspond with this proportion when found. All is at sea without any compass to enable us to distinguish the safe from the dangerous course.

“ But in the more liberal and great plan of universal representation, a clear and distinct principle at once appears that cannot lead us to wrong. Not expediency but right ; if it is not a maxim of our constitution, that a British subject is to be governed only by laws to which he has consented by himself or his representative, we should instantly abandon the error ; but if it is the essential of freedom, founded on the eternal principles of justice and wisdom, and our unalienable birth-right, we should not hesitate in asserting it. Let us then but determine to act on this broad principle, of giving to every man his own, and we shall immediately get rid of all the perplexities to which the narrow notions of partiality and exclusion must ever be subject.

“ In the digesting a plan upon this noble foundation, we shall not find any difficulty that the most common understanding and pains will not easily surmount. It does not require half the ingenuity of a common tax-bill ; and as a proof of this assertion, I myself drew the form of a bill for this purpose, which I presented to the House of Lords in 1780 : not as a perfect work, but merely to shew how easily the objections to the practicability of the plan, and the inconveniences that are suggested, might be got over.

“ I believe the sending you a copy of my bill will be the best way of explaining its operations. I have not one ready at this moment, but it shall soon follow this letter.

“ I shall, therefore, only mention, at present, a few of its provisions,

provisions, which, I think, entirely remove the most plausible objections that have been urged against it.

“ The present number of members in the House of Commons is preserved, so that all apprehension from too numerous an assembly ceases.

“ An account of the whole number of males of age in the kingdom is to be taken and divided by the number of members to be sent, which will find the quota of electors to chuse one member; from the best accounts I can now get, it will be about two thousand six hundred: these are to be formed into districts or boroughs from the most contiguous parishes; and by having all the elections throughout the kingdom in one and the same day, and taken in each parish, all fear of riot and tumult vanishes.

“ The great expence of elections, which arises chiefly from the cost of conveying electors to the place of poll, and entertaining them there and on the road, will be no more when every man will vote in his own parish. Bribery must entirely cease; in a single borough it would be difficult, on so many, as to have any effect impossible. The numbers to be bought would be infinitely too great for any purse. Besides, annual parliaments, by their frequency, and by their shortness, would doubly operate in preventing corruption.

“ The vast expence of petitions to parliament, on account of illegal returns, would be reduced almost to nothing. The points on which these contests generally turn, are the qualifications of the electors under the numberless restrictions the present laws have imposed, which require the attendance of witnesses, the production of records, and are subject to infinite dispute. But when no other qualification should be necessary but that of being a British subject, and of age, there can be but little left to contend upon as to the right of electors to vote. All other questions that could afford ground for a petition would be trifling, and might be decided in one day. Many other objections are obviated by the bill, but it is needless here to mention them.

“ But there is another sort of objection against which no provision can be made, as it is merely imaginary. It is feared by some, that the influence of power and riches will give to the aristocracy so great a lead in these elections, as to place the whole government in their hands. Others again dread, that when paupers and the lowest orders of the people shall have an equal vote with the first commoner in the kingdom, we shall fall into all the confusion of a democratic republic. The contrariety of these two apprehensions might of itself be a sufficient proof that neither extreme will take place. It is true, that the poorest man in the kingdom will have an equal vote with the
first,

first, for the choice of the person to whom he trusts his all; and I think he ought to have that equal degree of security against oppression. It is also true, that men of superior fortunes will have a superior degree of weight and influence; and, I think, that as education and knowledge generally attend property, those who possess them ought to have weight and influence with the more ignorant. But the essential difference will be, that, although the people may be led, they cannot be driven. Property will have its weight, as it ever must have, in all governments; and I conceive that, in this plan, it will precisely find its just proportion combined with talents and character. A man of great property, that is beloved and esteemed, will, as he ought, have the greatest sway; but tyranny and oppression, though attended with riches, may be resisted, and will no longer be attended with a burgage tenure at command.

“ Another subject of apprehension is, that the principle of allowing to every man an equal right to vote, tends to equality in other respects, and to level property. To me it seems to have a direct contrary tendency. The equal rights of men to security from oppression, and to the enjoyments of life and liberty, strikes me as perfectly compatible with their unequal shares of industry, labour, and genius, which are the origin of inequality of fortunes. The equality and inequality of men are both founded in nature; and whilst we do not confound the two, and only support her establishments, we cannot err. The protection of property appears to me one of the most essential ends of society: and so far from injuring it by this plan, I conceive it to be the only means of preserving it; for the present system is hastening with great strides to a perfect equality in universal poverty.

“ It has been said, that this plan of extending the right of voting to every individual, creates much uneasiness in the minds of quiet and well disposed persons; and that if paupers, vagabonds, and persons of no property, were left out, there would be no objection to extend it to all householders and persons paying taxes; and that the same division into districts might take place. My answer is, that I know of no man, let him be ever so poor, who in his consumption of food and use of raiment, does not pay taxes, and that I would wish to encourage an enthusiasm for his country in the breast of every subject, by giving him his just share in its government. I readily admit, that such an alteration would be a vast improvement; but I must prefer the adhering rigidly to a self-evident principle, especially when attended with no inconvenience in the execution, that I can foresee. Besides, we should again fall into the difficulties of drawing the line of separation, and into the disputes about qualification.

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" The apprehensions that our government will become too democratic, have been urged on another ground. It has been said, that the House of Commons has usurped the whole power of government; that the crown in reality no longer possesses its negative, and must in all things be ruled by the House of Commons; that the House of Lords, in consequence of its exclusion (by the will of the House of Commons and not by law) from interfering in money bills, no longer, in fact, exercises the functions of a branch of the legislature; that the only means by which the balance of the constitution is now in any degree preserved, is by the irregular influence of the crown and of the peers in the House of Commons; and that if they are totally excluded from interference there, as it is supposed will be the case if this bill passes, and are not restored to their original share of power, the equilibrium will be destroyed, and the government become purely democratic.

" To remedy this objection, it has been answered by others, that it is but just and reasonable, and that they mean, at the same time, that the Commons are restored to their rights, that the crown and the peers should recover theirs. This answer has been ridiculed, in my opinion, with more wit than solidity of argument. It has been represented as admitting that, whilst the House of Commons continue corrupt, the King and Lords should submit to its decisions; but that when it should really speak the voice of the people, then it would be right to revive the dormant powers of resisting it.

" For my part, I agree in opinion with those who are for restoring to all parts of the state their just rights, at the same time to do it generally; not partially is what I must contend for. At the same time, I admit that I am not for restoring the negative of the crown. My reason is, that it appears to me preposterous that the will of one man should for ever obstruct every regulation which all the rest of the nation may think necessary. I object to it, as I would to any other prerogative of the crown, or privilege of the lords or people, that is not founded on reason.

" But I agree, that if the House of Commons was reduced to its natural dependance on the people alone, and the present system of making it the exclusive part of government was continued, we should approach to a pure democracy more than our constitution warrants, or than I wish to see. I am not for a democratic any more than for an aristocratic, or monarchic government, solely; I am for that admirable mixture of the three, that our inimitable and comprehensive constitution has established; I wish to see the executive part of government revert to where the constitution has originally placed it, in the hands
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of the crown to be carried on by its ministers; those ministers under the controul of parliament: and parliament under the controul of the people. I would not have parliament made, as it daily is, a party concerned in every act of state, whereby it becomes the executive for which it is not calculated, and loses its superintending and controuling power, which is the main end of its institution. For when the two houses are previously pledged by addresses, votes, and resolutions, it becomes extremely difficult for them afterwards to censure measures in which they have been so deeply engaged by acts of their own. Another great inconvenience arises from parliament taking so much of the executive government on itself, which is, the excessive length of the sessions; an evil which of late has greatly increased.—Now that parliament is engaged in every detail, in order to screen the minister, it never can finish its business till the middle of the summer, when the independent country gentleman, tired of a long attendance and hot weather in town, is retired to his private business in the country, and that of the public left to be settled in thin houses by a few dependants of the minister. A short session, of two or three months, would be sufficient to examine the expenditure of former grants, to make new ones, to redress grievances, and pass such general laws as circumstances might require. The inconveniency and expence to a private member of parliament, in attending his duty, would then be trifling; and instead of forty commoners and three peers to form a quorum to decide the greatest matters of state, the attendance of two-thirds of each body, which would give respect to their proceedings, might and ought to be required. I am also free to own my opinion, that when the House of Lords shall be effectually prevented from having any influence in the House of Commons, as I think it must by this bill, it should at the same time recover its equal rights in every respect with the House of Commons, as a co-ordinate branch of the legislature. These sentiments are, I think, consonant to the idea so well expressed in your letter to the volunteer army of the province of Ulster, ‘to restore to the crown its original splendor, to nobility, its ancient privileges, and to the nation at large, its inherent rights.’

“ I believe I have now troubled you with all that is necessary concerning my plan. My bill will shew the detail as far as concerns the House of Commons and the election of Scotch peers. The regulations for restoring to the crown its executive, and to the House of Lords its deliberative functions, should be added to and form a part of this bill; but I have not as yet had time and leisure to prepare them.

“ In what I have said, I have shewn my opinion concerning the 1st, 3d, 4th, 6th, and 8th questions you have proposed to me. There remains the 2d, 5th, and 7th, to be considered.

“ In

" In respect to the second, which I presume relates to the admission of Roman Catholics to vote at elections, I can only say, that the same principles which go to civil liberty, equally lead to liberty of conscience! I admire with you the glorious spirit of toleration which you say has united the once distracted inhabitants of Ireland into one indissoluble mass; and I am sure that nothing short of evident danger to the state can warrant its interference in religious opinions. But unacquainted, as I am, with the state of Ireland, it is impossible for me to know the present temper and disposition of the Roman Catholics there, and those only who are on the spot can judge how far exclusions of this sort are necessary, or ought to extend.

" With regard to the fifth question—if voting by ballot is advisable? I am clearly of opinion that it is not. The idea of a ballot can have arisen but to avoid the effect of some improper influence; and I conceive it much more noble, directly to check that influence, than indirectly to evade it by concealment and deceit. I am convinced that trivial circumstances, in things like this, tend greatly to form the national character; and that it is most consistent with that of a British or Irish freeman, that all his actions should be open and avowed, and that he should not be ashamed of declaring in the face of his country whom he wishes to intrust with his interests. Upon the same idea that ballots may be a cover for independence, they must also be a cloak for bribery, and a school for lying and deceit.

" As to the 7th question—whether it would not be equitable or expedient that boroughs now in the possession of individuals should be purchased by the nation? I think, that although no man can have a strict claim in equity to be refunded the loss of what neither buyer or seller had a right to barter, yet it will be wise to purchase the good will, or at least to soften the resistance; of the present powerful possessors of boroughs by a most ample compensation. The liberties of a nation cannot be bought too dear; but the whole cost of these boroughs would not amount to the profits of one jobbing contract.

" I have now answered all the questions you have been pleased to propose; but I must mention another advantage which ought to recommend the measures you are pursuing to every friend to the internal peace and quiet of the kingdom, which is, that when the people have obtained a regular, legal, and speedy way of giving effect to their sentiments, there can no longer be any apprehension of their endeavouring to redress themselves by mobs and tumults; and even such regular and well-conducted meetings as yours will become needless. I mention this circumstance with the more satisfaction, as it stamps your conduct with the most unequivocal marks of disinterested patriotism. Power,

when once acquired, is generally endeavoured to be preserved by its possessors; but you, after having taken up yours from necessity, and employed it usefully, are now endeavouring with unexampled virtue to render its continuance unnecessary. For great as your services have been in so soon forming a complete army, in the advantages you have procured for your country, in the good order you have preserved, and in the efficacy you have given to law, you will derive still greater credit, in my opinion, from your good sense in seeing that a great military force, totally unconnected with the civil government, cannot be a permanent establishment in a free country, whose first principle is never to trust absolute power in any hands whatever. Your present endeavours to restore the constitution to its purity and vigour, evidently tend to make this and every extraordinary institution unnecessary: for when the people are fairly and equally represented in parliament, when they have annual opportunities of changing their deputies, and through them of controuling every abuse of government, in a safe, easy, and legal way, there can be no longer any reason for recurring to those ever dangerous, though sometimes necessary expedients of an armed force, which nothing but a bad government can justify. Such a magnanimous end to your proceedings, when after having restored liberty, commerce, and free government to your country, you shall voluntarily retire to the noble character of private citizens, peaceably enjoying the blessings you have procured, will crown your labours with everlasting glory, and is worthy the genuine patriotic spirit which animates the Irish Volunteers.

“ Before I conclude, I beg leave to express a wish that the mutually essential connection between Great Britain and Ireland, may soon be settled on some liberal and fair footing. That which did subsist was on such narrow and absurd principles, that no friend to either kingdom can regret its loss; founded on constraint and dependance, incompatible with the condition of freemen, Ireland had an indisputable right to dissolve it whenever she chose so to do. But surely, if we do not mean a total separation, it would be right to agree upon some new terms by which we are to continue connected. I have always thought it for the interest of the two islands to be incorporated and form one and the same kingdom, with the same legislature meeting sometimes in Ireland as well as in England. But if there are difficulties to such an union, not to be got over at present, some sort of fœdral union, at least, between the two kingdoms seem necessary to ascertain the many circumstances that concern their joint interests, and an union of this sort may now be formed with much greater propriety than before, as it will be sanctioned by the free consent of independent nations.

“ I do

" I do conceive that some step of this sort is absolutely necessary, because the present footing of separation, rather than union, is too unfair to be able long to subsist. England, besides the load of the whole debt contracted for the use of both kingdoms, bears all the burthens of naval defence and foreign negotiations, and by far more than its proportion of the land service in time of war. But what is worse is, that there is no certainty now left that we shall have the same enemies and the same friends. Different interests, as they may appear, may lead one kingdom to think a war necessary, and the other to remain in peace. The same King, in his different kingdoms, may think it wise to follow the advice of his respective parliaments. I need scarcely add, that the unavoidable consequence of such a difference, is a war between the two kingdoms. Unless some settlement takes place upon these and many other important subjects, I am far from being clear, that it will be for the advantage of liberty in either kingdom, that its monarch should continue the sovereign of a neighbouring state, with which it has no connection. I am sensible that there are great difficulties attending the adjustment of such an union, and that it requires great wisdom and temper to form it, especially on the part of Ireland, which must feel that she ought to give the preponderance to Great Britain; but I am sure the business ought not to be neglected, and that every true friend to both kingdoms ought to give it his most zealous assistance.

" I beg pardon for having gone into a subject not immediately belonging to that upon which you have desired my opinion, but I thought it so connected with it, and at the same time so important, that I trust you will excuse my having introduced it. I fear I have been very long, but it was impossible for me to compress so much matter into a less compass, and when you wished to have my opinion, I thought it best to give it fully, or, at least, as fully as I could in a letter. If it contains one thought that can be useful, I shall be happy. I have only to assure the committee of the zeal I feel for the cause the Volunteers have undertaken, to the support of which I shall ever be ready to give every assistance in my power; and that it is with the highest respect and admiration for their conduct, that I have the honour to be,

" Their most obedient,

" and most humble servant,

" RICHMOND,

" August 15th, 1783.

" Lieut. Col. Sharman."

Gentlemen, I understand the effect of the Duke of Richmond's plan to be universal suffrage and annual elections. His plan is to collect the number of persons of age, not incapacitated

citated by crimes, and to give them votes for members to sit in parliament, without increasing the number of members in the House of Commons. The number should be 558, and there should be a number of persons to vote for each member—and they were to vote in districts on a given day all over the kingdom; and this it was thought would prevent all confusion and expence, for nobody would be obliged to go from their own homes, and that it could be done without corruption and without expence to any one. I take that to be the Duke of Richmond's plan.

Gentlemen, they then produced a letter from Mr. Tooke to Lord Ashburton; and after a debate upon the admissibility of that evidence, that letter was ordered to be read, and was accordingly read. It is a letter of the 10th of May 1782, and proves, that Mr. H. Tooke's plan for a reform was short of universal suffrage; it shews an attachment to the person of the King, and a resolution to support the aristocracy of the country, and gives a precaution not to break in upon the dignity of the crown. The concluding part of the letter states, there is very little hopes of such a plan being carried into execution; that the voice of the people had been heard but once, and was not likely to be heard again. That letter will now be read to you.

" A Letter to Lord Ashburton, from Mr. Horne, occasioned by the Debate in the House of Commons, on Tuesday, the 7th of May 1782, on Mr. Pitt's Motion for a Reform in Parliament.

" MY LORD,

" The importance of the subject on which I address your Lordship, sufficiently dispenses with preface, introduction, apology, compliment, or ornament. And the criticalness of the moment excuses hasty publication. It would be ridiculous to cast a thought on the manner of my expression, if the matter is useful.

" By the vote of the House of Commons, on Tuesday last, parliament, it seems, do not yet think it necessary to take into consideration the state of representation in this country. However, my Lord, notwithstanding that vote, I am still sanguine enough to believe that we are at the eve of a peaceful revolution, more important than any which has happened since the settlement of our Saxon ancestors in this country; and which will convey down to endless posterity all the blessings of which political society is capable.

" My Lord, my expectations are greatly raised, instead of being depressed, by the objections which were urged against Mr. Pitt's motion.

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“ One gentleman says, ‘ He cannot see any good purpose the motion would answer ; for it would not assist government with a ship, a man, or a guinea, towards carrying on the war with vigour, or towards establishing that much wished-for object, peace.’

“ My Lord, I hope the measure will be made to produce to government both ships, and men, and guineas. For they would be very poor politicians indeed who could not, in one measure, comprehend many purposes ; and still poorer, who should miss the present opportunity of obtaining, by this one measure of reform, every desirable object of the state.

“ Another gentleman apprehends, that ‘ nothing less than giving every man in the kingdom a vote, would give universal satisfaction.’

“ My Lord, I trust that there are very few persons in this kingdom who desire so improper and impracticable a measure. But if there were many, the wisdom of parliament would correct their plan, and the corrected would be well pleased at the correction.

“ Other gentlemen assert, that ‘ the constitution, as it now stands, has stood for ages, without any material alteration.’

“ My Lord, it will not be difficult to prove the contrary, by an easy enquiry ; and if they will begin with the last unexampled alteration recently made, by the late administration, at Saltash, the objectors will hardly have countenance to proceed any further.

“ Another gentleman, ‘ thinks the question premature, and that this is not the time.’

“ Another, that ‘ the people do not desire it.’

“ And another, that the people cannot, indeed, desire it at any time ; because ‘ they have no voice but in the House of Commons.’

“ My Lord, it would be safer for this latter doctrine, if another similar doctrine could be coupled with it ; and if it could be proved that the people have no hands neither but in the House of Commons. This virtual voice of the people of England resembles too nearly the virtual representation of the people of America in the same place, to be attended with any happy consequences.

“ But, my Lord, I turn with pleasure from these little subterfuges, towards what I suppose to be passing in your Lordship’s mind. The end which I believe your Lordship to have, at all times in your view, is, happiness to all beings capable of happiness ; and especially human happiness, as universally extended as possible. But though an individual’s wishes may be, and ought to be, unbounded ; however exalted, his actual endeavours

deavours must usually be limited ; and, therefore, national happiness, with the permanent security of that happiness, is the ultimate object of a patriot.

“ To this end all his other objects must be considered only as means. Even freedom itself is valuable only as a means indispensably necessary to that end.

“ My Lord, I find myself compelled to repeat these well-known sentiments ; because most of the errors of mankind, in all their pursuits, arise from stopping short in their progress, and mistaking some means for the end. We every day behold it in the practice of the covetous, the ambitious, &c. And at this moment, I conceive it to be necessary to warn the well-meaning patriot from the same mistake.

“ My Lord, I shall not waste a word to shew the necessity of a reform in the representation of this country. I shall only consider the mode of reform ; and endeavour to shew, that it is not difficult to embrace every interest in the state, and to satisfy well-meaning men of every description. To this end I am compelled first to remove the prejudices, and, indeed just objections, which some persons entertain to all the modes of reform, which have hitherto been recommended.

“ My virtuous and inestimable friend, Major Cartwright, is a zealous and an able advocate for equal and universal representation ; that is, for an equal and universal share of every man in the government. My Lord, I conceive his argument to be this : Every man has an equal right to freedom and security. No man can be free who has not a voice in the framing of those laws by which he is to be governed, he who is not represented has not this voice ; therefore, every man has an equal right to representation, or to share in the government. His final conclusion is, that every man has a right to an equal share in representation.

“ Now, my Lord, I conceive the error to lie chiefly in the conclusion. For there is very great difference between having an equal right to a share, and a right to an equal share. An estate may be devised by will amongst many persons in different proportions ; to one five pounds, to another five hundred, &c. each person will have an equal right to his share ; but not a right to an equal share.

“ This principle is farther attempted to be enforced by an assertion, that, ‘ The all of one man is as dear to him as the all of another man is to that other.’ But, my Lord, this maxim will not hold by any means ; for a small all is not, for very good reasons, so dear as a great all. A small all may be lost, and easily regained ; it may very often, and with great wisdom, be risked for the chance of a greater ; it may be so small, as to be
little

little or not at all worth defending or caring for. *Ibit eo qui zonam perdidit.* But a large all can never be recovered; it has been amassing and accumulating, perhaps, from father to son for many generations; or it has been the product of a long life of industry and talents; or the consequence of some circumstance which will never return. But I am sure I need not dwell upon this. Without placing the extremes of fortune in array against each other, every man, whose all has varied at different periods of his life, can speak for himself and say, whether the dearness in which he held these different alls was equal. The lowest order of men consume their all daily, as fast as they acquire it.

“ My Lord, justice and policy require that benefit and burthen, that the share of power, and the share of contribution to that power, should be as nearly proportioned as possible. If aristocracy will have all power, they are tyrants, and unjust to the people; because aristocracy alone does not bear the whole burthen. If the smallest individual of the people contends to be equal in power to the greatest individual, he too is, in his turn, unjust in his demands; for his burthen and contribution are not equal.

“ Hitherto, my Lord, I have only argued against the equality;—I shall now venture to speak against the universality of representation, or of a share in the government; for the terms amount to the same.

Freedom and security ought surely to be equal and universal. But, my Lord, I am not at all backward to contend, that some of the members of a society may be free and secure, without having a share in the government. The happiness and freedom, and security of the whole, may even be advanced by the exclusion of some, not from freedom and security, but from a share in the government.

“ My Lord, extreme misery, extreme dependance, extreme ignorance, extreme selfishness (I mean that mistaken selfishness which excludes all public sense), all these are just and proper causes of exclusion from a share in the government, as well as extreme criminality, which is admitted to exclude; for thither they all tend, and there they frequently finish.

“ My Lord, I know I shall receive no answer to this, but—the difficulty of drawing the line of exclusion on these accounts; and the possibility or danger of abuse, by a pretence of these extremities. The bare possibility of abuse, I hold to be no argument; the danger and difficulty I will shew to be easily removeable.

SKETCH OF A PLAN.

" England* and Wales shall be divided† into 513 districts. Each district ‡ shall chuse one representative.

" Every male, native of Great Britain or Ireland, at the age of twenty-one years, and who at the time of election shall have been rated for the space of the preceding year to the land-tax or parish rates in England or Wales, at 2l. per annum, shall be intitled to vote for a representative in parliament of that district in which he is rated.

" No election for a representative shall be completed by a smaller number of votes than 4,000, unless as hereafter provided.

" Every elector, at the time of giving his suffrage, shall pay into the hands of the presiding officer 2l. 2s.

* The present number of members for England and Wales in the house of Commons is 513. The Union with Scotland makes it improper to alter the proportion. It has not appeared that Scotland is at all dissatisfied with the state of its representation. At all events, it does not belong to this part of the country, but to that, to settle their own representation to their own satisfaction.

† The old division of the country need not to be departed from, but will exceedingly facilitate the division into districts, for the purpose of representation.

‡ The public ought never to receive a benefit to the injury of an individual. Exclusive claims of representation have become a species of property through the connivance of the nation. Very ample compensation, therefore, must be made, and easily may be made, to the possessors of this scandalous property.

Who are comprehended here under the description of native?

What provision shall be made relative to the rates?

These questions, with a multitude of other questions and objections which may be proposed and offered to every part of this plan, are foreseen, and may be easily determined and obviated.

The number of inhabitants of England and Wales are calculated at nine millions. One-fourth of that number, or 2,250,000, are estimated to be males of the age of twenty-one years.

If the number of members (513) be multiplied by (4,000), the number of votes required for each, it will give 2,052,000.

Although a tenth part of these should forbear to vote, yet the future part of the plan will furnish a great overplus of the number of votes for each district.

The manner of payment may be easily settled, and so as to make all improper conduct or mistake, in the payer or receiver, or in the returning officer, impossible, as well as to prevent any possible doubt or disputes concerning the person elected.

The election levy can never amount to less than four millions one hundred and four thousand pounds annually.

It is here understood, that every person may, if he pleases, vote in every parish in which he is rated; and in every district.

The annual revenue to the state will more effectually secure for ever the annual election of a parliament, than any laws for that purpose which ever were, or can be invented.

" The

" The votes for a representative of each district shall be taken at a certain place, in each parish of the respective district, so that each vote may be taken in that parish where the voter is rated.

" Election for representatives in Parliament shall be annual; and at a certain time of the year.

" If at any election the number of persons voting in the district shall fall short of 4,000, then all persons in the said district, who are rated therein at 20l. per annum, or upwards (and who have already voted) shall be intitled to give a second vote, paying again as before 2l. 2s.

" And if, after this second poll, the number of votes shall still fall short of 4,000, then all persons rated in the said district at 50l. per annum, and upwards (and who have already voted in the first and second poll), shall be intitled to give a third vote, paying again as before 2l. 2s.*

" And if, after this third poll, the number of votes shall still fall short of 4000, then all persons rated in the said district at 100l. per annum and upwards, (and who have already voted in the first, second, and third poll) shall be intitled to give a fourth vote, paying again, as before 2l. 2s.

" And if, after this fourth poll, &c. then all persons, rated, &c. at 200l. &c. (and who have, &c.) shall be intitled to give a fifth vote, &c.

" And in like manner, if need be, ascending for every additional 100l. rated, an additional vote, paying an additional 2l. 2s.

" Every representative shall receive out of the election levy paid by the electors, the sum of 400l. to be paid to him by the presiding officer of the respective district.

" If, at the conclusion of the poll, the number of votes given shall still fall short of 4,000, then the majority of votes given shall determine the election: and the deficiency of the sum of eight thousand four hundred pounds, shall be made good by a proportionate assessment (by the pound according to the rates) on such non voters who are rated at 20l. and upwards, in the said district.

" The presiding officer of each district shall, together with his return of the writ, deliver into the Exchequer, the sum received from the electors (together with the names of those who

" * Perhaps it may be found adviseable, after the second poll, to hold the election no longer in parishes, but in the centre of the district; the persons who are (if necessary) to vote after the two first polls, might better afford to go from home: all of the higher orders waiting the issue of the election on the spot, might proceed to the fourth, fifth, or eighth poll, as necessary or convenient.

" The revenue, at its lowest amount, must be certain."

have polled) except the sum of 400l. which he shall at the same time pay to the representative.

“ Each representative shall, before he is permitted to take his seat in Parliament, produce a voucher from the Exchequer for at least 8,000l. and for as much more (exclusive of 400l.) as shall have been paid by the voters at his election.

“ My Lord, if some plan, on a principle something like the foregoing, should be taken into consideration, the justice and wisdom of Parliament would, I doubt not, in the proper places insert the proper figures. But, in my judgment, the qualification which barely entitles a man to vote, should be very low, as I have placed it; but the sum to be paid in with the vote should be higher than I have placed it; and the assessment for the deficiency ought not to descend lower than on those rated at 20l. This revenue would be almost if not altogether voluntary. It would be certain as to its lowest amount of 4,104,000l. It would be paid in net, and punctually to government. It would support a war, if necessary; but it would, more probably, produce an instant peace: for it is a resource which no country but our own can enjoy; and which would instantly cast our enemies into despair. It would enable the present ministry not only to forbear additional taxes, but immediately to relieve many of the heavy burthens of the people. And it would inspire the people with an ardour to bear any necessary burthen cheerfully.

“ My Lord, if the virtue of the times, or if the understanding of the times, I hope (I shall not offend any one by laying the fault there) would permit the plan, which I have thus sketched partially and imperfectly on the spur of the present occasion, to be carried to the extent of which it is capable, and that the election levy were by that means to become the only national tax or imposition in the country, the people would instantly be relieved from full three-fourths of their present burdens, and the poorer sort from every burden. The constitution of the government would become eternal; the national difficulties would vanish; the landed and commercial interest would flourish; most of the penal laws would be done away; the statutes would at one stroke be reduced to a single volume; and that monstrous tax and burden upon the people of law-suits and processes, (equal to and more vexatious than a hundred other taxes) would be almost abolished. This country would become the refuge, the warehouse, and the metropolis of the world.

“ But your Lordship will hardly think me serious, if I proceed in this strain. I may, however surely, without being too romantic, suppose that some part of the administration may be clear

clear sighted enough to see that the people must be satisfied in their just expectations, and most surely will be so. Ministers will surely grant with a good grace what cannot be much longer withheld. They will at last (if not infatuated) catch the present fortunate opportunity (in the midst of our distresses) to combine an important measure of revenue, with the cession of their rights to the people. They will not wait till the people of Ireland have seized by force what we urge with humble intreaty. They will not wait to be received with scorn and hootings for their offer to us of that, which we should now receive with gratitude.

“ I will venture to assert that they have no time to lose.

“ His Majesty's conduct has rescued his own personal character from censure, (for in spite of forms and decorum Kings have a personal character) and I doubt not he will for ever henceforward remain very dear to his subjects. He stands fully justified from all that has passed; for he has listened to the voice of his people, where the constitution intended that their voice should be heard, and to which place the royal ear is by the same constitution directed. Members are sent to Parliament to keep up the communication between the King and his subjects. There it is, in a real and fair Parliament, that the people wish their voice to be truly heard; and that they may have removed from them the occasion of those honest, because necessary, though irregular meetings, petitions, and interference to which they have for some years past been involuntarily driven. But the voice of the people in the present reign has not been heard till lately (and then heard but once) within the walls of the House of Commons, nor will it be ever heard there again; fresh errors and fresh misleadings will again take place; the voice of contractors, of pensioners, and jobbers, together with the proprietors of a few decayed burgage tenures, will again be called the only voice of the people, unless the honesty, or the good sense of administration afford the remedy by reforming substantially the vices of representation.

“ We have been accustomed to be told, that there was something behind the throne. My Lord, there can be nothing behind the throne more malevolent to the rights of the people, than what we now see before it. The people are no longer to be cheated, they look to administration for the late defeat of their wishes.

“ What! can they who have carried all for themselves, carry nothing for the people, who, if ministers themselves are to be credited, have pushed them into office? The people know that if all the present administration had chosen to do them justice, if they had been half as unanimous for national rights

as they have been for national honours and emoluments, the question would have been highly carried last Tuesday. Good God! Is it always to be thus? one pay-master denies, the other despises the voice of his people.

"What, says he, the people; If your hands are dirty, will you go to the puddle to clean them? I am heartily sorry, my Lord, that there should be any members of the present administration who require to be informed, that the same thinness of the web which makes the water-bubble rise, when risen makes it burst.

"If they are timely wise, they will yet give to the people their sober, moderate, fair, and honest rights.

"The prerogative of the crown, which is glorious to the monarch, and beneficial to his subjects, they will place (as it ought to be placed) high, brilliant, and independent.—A great weight at bottom can bear a great weight at top.

"Let the aristocracy, unenvied, enjoy their full and honourable proportion of influence to which they are justly intitled in the state; but let them cease, as a faction, to shackle the hands of their Sovereign, whilst they debase and plunder his subjects.

"I am happy, my Lord, that, without forfeiting your friendship, I can venture to address these truths to you: and that I am able still to retain all those sentiments of veneration and affection for Lord Ashburton, which the public at large, and every individual who knows him, have, through the course of his life, entertained for Mr. Dunning.

"I have the honour to be,

"My Lord,

"Your Lordship's most obedient servant,

"Friday,

"May 10, 1782."

"JOHN HORNE."

Gentlemen, they then offered a paper to be received as evidence, which could not be received, and was therefore not read. Gentlemen, they then call Mr. Fox, who said he saw Mr. Tooke at the Thatched House Tavern about the year 1785, at a meeting of all the friends of a reform in parliament, convened by Mr. Wyvill after Mr. Pitt's motion for a reform; to the best of his recollection the object of those who called that meeting was to give a direct approbation to Mr. Pitt's plan; to the best of his recollection, Mr. Tooke supported the motion, but that he himself objected to the motion. He recollects it was a general proposition, that if any boroughs proposed to sell their rights to send members to parliament, that right should be purchased by the public, and the right of election was either to be in freeholders of the counties at large, or in freeholders of districts of counties.

Gentlemen,

Gentlemen, Mr. Francis was then called. He said he was a member of the society of the Friends of the People, and that he drew up a plan of reform, which he submitted to the consideration of this society, in the course of the summer 1793; that he saw Mr. Tooke, and having known him a long time, though but slightly, having met him in his road to town, and believing him to be a strenuous advocate for a reform, he applied to him to set him right as to any of the ancient laws or customs to which he had referred, which he Mr. H. Tooke undertook to do; and he made some observations, which the witness received, and altered his plan in some particulars according to those observations. He says, it appeared to him that Mr. Tooke approved of it in general: he said, his plan went towards obtaining a reform in the House of Commons: he said, he did not disagree with Mr. H. Tooke upon any principles of the constitution; that Mr. Tooke told him he had refused to be a delegate to the Scotch convention; he says, that Margarot and Hardy called upon him to present the petition, but he did not know they were associated members of the Constitutional Society; that he was a member of the society of the Friends of the People when Lord John Russell was a member, and his letter was sent to the Constitutional Society, which was carried he thinks by a much greater majority than the casting vote: he says, there were many members against it.

The Duke of Richmond was then called. He says, he saw Mr. H. Tooke at the Ordnance Office; that he does recollect any thing that passed, but he does recollect meeting Mr. H. Tooke upon some occasion, and he believes at the Quintuple Alliance at the London Tavern; and that he has met him at other places. He says, that he himself was a member of the Constitutional Society; that he never heard Mr. Tooke say any thing against the King, Lords, or Commons. He goes on to state some other circumstances relative to the meeting at the Thatched-House Tavern, but he did not recollect enough to bring the matter home as evidence, therefore that part of the evidence I run my pen through.

Gentlemen, Mr. Pitt was then called, and a paper was shewn him, in his own hand writing, but that paper could not be received as evidence. He says, he was present at the Thatched House about the middle of May 1782; he thinks Mr. H. Tooke was present; he thinks it was the meaning of that meeting to obtain the sense of the people to petition parliament, in order to procure a reform: he says, there was no such idea as a convention of the people by affiliated societies: he says, he did not consider it as a meeting of those who were authorized to act for any body, but themselves only: he did not recollect

recollect any petition having been applied to as coming from delegates: he does not know but some of those individuals might be delegated for that purpose.

Gentlemen, Mr. Sheridan was then called. He says, he knows Mr. Tooke, and has seen him at several meetings held for the purpose of obtaining a parliamentary reform; that he met him at different associations in the year 1780; that he thinks he met him at a convention or meeting to which delegates were sent from different parts of the country and towns, to act for the purpose of obtaining a parliamentary reform: he says, that he himself was a delegate for Westminster: he says, it was to promote the object of a parliamentary reform; and so far to interest, and engage the public mind in that object, that the influence of the public opinion might so far operate upon the House of Commons, as that they might ultimately gain their object, without which influence on the part of the people there was no hopes from the House of Commons: he says, the means of obtaining their object was left to the delegates: he says, no person could belong to those meetings without knowing he acted for others, because such a person must have been himself appointed by others: he says, he recollects no instance of Mr. H. Tooke's dissenting from the proposition then made; he does not know correctly whether he was a delegate: he says, there were Yorkshire delegates and Devonshire delegates; that they considered themselves as delegated to pursue the strongest legal means to obtain their object: he says, they thought that petitions, unless they came from the whole body of the people, were frivolous and useless; they conceived they should have delegates from all parts of the kingdom: he says, there was nothing like force or violence, but they intended to create that degree of awe and respect which the House of Commons are bound to attend to when addressed by the whole voice of the people collected together: he says, he recollects attending a meeting at the Crown and Anchor, called to celebrate the taking of the Bastille, and the acceptance of the constitution by the King of France: he says, he recollects making a motion, which was drawn up the day before at the Whig Club; that Mr. H. Tooke proposed an amendment; he stated, that an unqualified approbation of the French revolution might create a revolution in this country. He says, he adverted to the circumstance of the gentlemen having national cockades, which they wore in their hats, and proposed a declaration of attachment to the principles of our own constitution: he says, the prisoner spoke in a figurative manner, and described the government of France as a vessel, so foul and decayed, that no repair

pair could save it; but, thank God! the main timbers of our constitution were sound, though some reform might be necessary. He says, he remembers the circumstance more accurately from the sentiments of Mr. Tooke having been received with disapprobation: he says, he recollects at many public meetings he has differed with and opposed Mr. H. Tooke; that he has frequently seen him treated with marks of disapprobation, but never saw him much affected: he says, he himself objected to Mr. Tooke's amendment, but that Mr. Tooke persevered. He thinks he withdrew his amendment, and made it an original motion, and that it was then carried unanimously; it was in these words: "That this meeting feels equal satisfaction that the subjects of England, by the virtuous exertions of their ancestors, have not so arduous a task to perform as the French have had, but only to maintain and improve the constitution their ancestors transmitted to them." He says, that he himself proposed a resolution in these words: "That this meeting does most cordially rejoice in the establishment and confirmation of liberty in France; and that it beholds, with peculiar satisfaction, the sentiments of amity and good-will which appear to pervade the people of that country towards this kingdom, especially at a time when it is the manifest interest of both states that nothing should interrupt that harmony that at present subsists between them, and which is so essentially necessary to the freedom and happiness not only of the French nation, but of all mankind." He says, Mr. H. Tooke wished to add to his motion some qualified clause, that there was a wide difference between England and France. He compared England to a ship sailing proudly upon the bosom of the sea; but it was true, after so long a course of years, she might want some repairs. He says, Mr. Tooke's motion was also carried unanimously.—Upon his cross examination, he said he was present on the 14th of July 1790, at the meeting for celebrating the French revolution; that in 1791 he was not present. He says, there were meetings in 1780, but does not recollect being present: he says, the first meeting was the Westminster Association, and that there was a meeting at the King's Arms, Westminster, where a number of persons attended; that there was a meeting somewhere in King-street, and he thinks there was a meeting at Guildhall. He says, he forgets the nature of the meeting at the Thatched House, or who was present, but there was a meeting at the Duke of Richmond's, and it was proposed Mr. Pitt should be requested to introduce a reform in parliament. The meeting was not held at the Thatched House, but at the Duke of Richmond's, at which he thinks a great number of members
of

of parliament attended, and a great number that were not members of parliament, that were delegated from different county meetings and different towns.

Gentlemen, Lord Stanhope was then called; and he says he was in the chair at the meeting held in July 1790, to celebrate the glorious event of pulling down the Bastile: he says, that several hundred persons, of a very respectable description, attended him, and that the prisoner at the bar was there: he says, that Mr. Sheridan was there, and that Mr. Sheridan's health was drank: he said, that Mr. H. Tooke said, he was not used to flatter men, and that he was very much hissed and hooted, and with difficulty he obtained an hearing. He spoke of the danger of being misconceived by the public; and he said something should be added to Mr. Sheridan's motion with regard to our own constitution, and his motion was made separately, and carried. He says, at that time the constitution of France of 1789 and 1790 was established, but was not carried into execution until 1791: he says, that the Foxites were there, and hissed Mr. Tooke. He says, he was persuaded there was nobody there that had any intention against the government; that he attended many meetings for a parliamentary reform; that he saw Mr. H. Tooke at several, and particularly at the Thatched House Tavern, in 1782, a short time after Mr. Pitt's first motion was made: he says, that was a motion for a committee; the second was a general motion to go into a committee; and the third motion, in 1785, was for advancing three million sterling, for the purpose of buying up certain boroughs: he says, he remembers attending at the Thatched House Tavern, when Mr. Wyvill, Mr. Pitt, and the Duke of Richmond, were there: he says, it was proposed to hold a meeting during the summer, for the purpose of getting a parliamentary reform, and enforcing it by petition. He says, in 1785, he was present at another meeting; that Mr. Wyvill brought the people together: he says, Mr. H. Tooke was a warm friend to Mr. Pitt's last plan. Mr. Wyvill moved a specific approbation of it; that some persons objected to it; among others was Mr. Charles Fox, and Mr. Tooke debated it with him. He says, that Mr. Fox was against it, and Mr. Tooke was for it: he says, that in 1780 and 1781, there was a meeting of delegates.

Gentlemen, Mr. Wyvill was then called; and he says he was at the meeting in 1785, and that it was called at his desire, with a view to obtain a resolution, expressive of approbation of the plan proposed by Mr. Pitt, in hopes that it might unite the friends of parliamentary reform: he says, there was a difference of opinion among the persons that proposed a reform, and

and Mr. Pitt proposed that specific plan, which it was thought, if approved of, might put an end to that difference of opinion, and procure an united assent. He said, there was no proposition to thank Mr. Pitt, because the motion was negatived by a majority of the meeting: he says, he made a proposition, that if Mr. Pitt's motion was carried into effect, it would be a substantial improvement of the constitution; that he believes that Mr. H. Tooke was present at the Thatched House in 1782: he says, that the object was to meet in their respective districts to petition parliament for a reform.

Gentlemen, the next witness was Mr. M'Namara; and he says, he attended the Constitutional Club in the year 1788, at the time of the King's illness: he says, the meeting was held at the Thatched House; that it was instituted after the election of Lord John Townshend, who opposed the re-election of Lord Hood: he says, there were resolutions proposed by Mr. H. Tooke; that they were constitutional and loyal, and such resolutions as became a well-wisher to the King and government: he says, he cannot say what the resolutions were, as he was engaged in taking care of friends about him: he says, the Constitutional Club was distinguished by a uniform, being a blue coat and an orange cape, with the words "King and constitution" upon the button. He says, that Mr. Rose, Mr. Steele, and Mr. Pitt, were of the club, and wore the uniform; that he thinks Mr. Dundas, Lord Frederick Campbell, Mr. Addington, the Speaker of the House of Commons, and Mr. Fielding, wore the uniform: he says, the meeting consisted of about 1,200; that they were in different rooms: he says, his first acquaintance with Mr. Tooke originated about that time, and from that time he was in habits of intimacy with Mr. Tooke, and in consequence of that he had many opportunities of hearing his sentiments: he says, he never met any public or private character that understood the constitution of the country better than Mr. Tooke; and he says, he believes no man ever wished better to the constitution and government of this country, consisting of King, Lords, and Commons, than the prisoner at the bar: he says, he has been principally abroad since October 1789, until the middle of last June; that he was at Paris in October 1789; that he went as far as Tours in France, but hearing of the situation of the country, he went through Paris: he says, that for ten months before the 3d of August 1792, he was in Paris; that he does not know of any thing that passed in Paris in 1792 respecting addresses of societies in England to the National Convention: he says, he went from Dijon through Switzerland and into Italy: he says, during his acquaintance with the

prisoner he had frequent conversations with him; and he never received so much information, nor did he ever know any man that seemed to be more loyal, or would have sooner sacrificed himself for the maintenance of the constitution and government, but still always with a determination of gaining a reform in the House of Commons: he says, that before the revolution in France, the country was in a shocking state.

Gentlemen, the next witness was Mr. Fielding. He says, he was a member of the Constitutional Club; that being counsel for Lord Hood, he went there: he says, they wore a blue coat with an orange cape; that he several times saw Mr. H. Tooke there; that he was frequently of the parties, and that that was the first opportunity he ever had of acquaintance with Mr. Tooke: he says, he remembers Mr. Tooke being there on the 5th November 1788, and that Mr. Tooke made a speech; but he says, he does not recollect what he said: he says, that he knows nothing of the transactions from the year 1790 downwards.

Gentlemen, Lord Frederick Campbell was then called; and he says, he dined at Willis's Rooms, in 1788, at the Constitutional Club: he says, Mr. Tooke moved some resolutions, but he cannot tell what: he says, he does not recollect Mr. Tooke's health being drank, but he recollects being displeased with him for moving those resolutions, and that he spoke sharply to him, because they were moved without his knowledge: he says, he recollects some letters coming from the Whig Club, but he cannot recollect the contents.

Lord Camden was then called. He says, he was present on the 5th November 1788, at the Constitutional Club; that he sat near Lord Frederick Campbell; that he recollects the letter sent by the Whig Club; and he recollects Mr. Tooke's proposing some resolutions, but he cannot say whether they were carried: he says, he recollects Lord Campbell objected to them, because he was not informed of them before they were moved: he says, he thinks they were very expressive of loyalty to the King, and attachment to the constitution: he says, he has had no intercourse with Mr. Tooke since the year 1788.

Mr. Beaufoy was then called. He says, he was at Willis's Rooms, that he dined there, and that Lord Hood was in the chair: he says, he remembers it was a meeting of the friends of Lord Hood; that he recollects addressing the meeting on the subject of the revolution: he says, that he was applied to by the Revolution Society to bring a bill into parliament, for the purpose of commemorating the day on which the bill of rights passed: he says, he thinks Mr. H. Tooke communicated some resolutions, but he don't know what they were; that they might

might be such as were read to him. Upon his cross-examination nothing of consequence appears, therefore I shall not state it.

They then call Thomas Simmonds, who says, he is a student of the law; that he is a member of the Constitutional Society, and has been so for two or three years; that he is thoroughly acquainted with Mr. Tooke, both in public and private life: he says, he attended the society frequently, and sometimes omitted to attend for two or three months: that the object of the society was a parliamentary reform, and by that was meant a reform in the House of Commons: he says, the average number of the society was fourteen or fifteen hundred: he says, the original object was never departed from, and that every act they did, considering the circumstances, always appeared to tend to that object: he says, nothing led him to suppose or to suspect any change of sentiment; that he frequently saw the prisoner at the bar there; that every expression went in favour of a reformation of parliament; and that his opinion was always for the ancient hereditary aristocracy of the country: he says, during the time of the convention being held, he did not attend, being confined with ill-health: he says, he did not know the characters of any or either of the delegates, and that he did not know enough of them to wish them to go: he says, he by no means thought any thing criminal was intended; that he remembers a proposition coming from the Corresponding Society to co-operate with them: he says, their object was to produce a general concurrence in favour of a parliamentary reform, to obtain their ultimate object; that there was nothing said by any man that accepted that correspondence, that signified the contrary: he says, if there had been any proposition to set on foot a conspiracy against the government, he must have known it; but he had no reason to suspect any such thing was intended: he says, he was present on the 11th April, when it was resolved, it was very desirable that a general meeting of the Friends of Liberty should be called, for the purpose of taking into consideration the methods for obtaining a fair representation of the people: he says, the society agreed to leave out the word "convention;" that he had not the slightest reason to suspect they were doing any thing wrong; and he says, that a fair representation of the people, in their sense of it, did not go to the length of universal suffrage: he says, he has heard Mr. Tooke frequently reprobate the idea of universal suffrage; that he never heard him mention any thing against the House of Lords, or the King; that he never heard an idea of accomplishing their object by force; and that he never had an idea of arms being to be used: he says, the persons who were deputed never changed their opinions; that he knew the persons of which the committee

consisted; that he had frequent conversations with Mr. Joyce, and found his opinions quite moderate, opposed to the opinions of others; that he knows Mr. Sharpe, having frequently dined with him, and that his opinions were the same; as to Mr. Bonney, he says, he never knew a more peaceable, moderate man; and that he never meant to subvert the government: and he says, they pursued the object up to the middle of April 1794; and, if there had been any conspiracy, he must have known it. Upon his cross-examination, he says, he was chosen a member upon the 1st of June 1792. He says, he knows Mr. Joyce, but does not know that he was present when the address from the Constitutional Society to the National Convention was ordered to be presented by Mr. Frost and Mr. Barlow: he says, he never saw or heard of a drawing, called the Road to Hell by Hanover; that he did not know there was any thing of that kind: he says, he does not know Mr. Hardy; that he does not know there was any such name in the society as Hardy: he says, if they had proposed to set aside the authority of the King, or parliament, he would not have continued in the society; that he thinks he was ill when the address from the London Corresponding Society was sent to France; that he did not know Mr. Hardy sent to Mr. Tooke, to desire his advice about a letter to the National Convention, or that Margarot had wrote to him about it: he says, that if the address had been confined to the state of France only, they should have used stronger language, because it required stronger measures; but, if it related to England, he would not have consented to it: he says, he does not recollect any letter being sent to the society in which there was these words, "the vipers, monarchy and aristocracy, are writhing in the grasp of liberty, and may success and happiness attend its efforts:" he says, he never knew that Mr. Frost had said, he hoped that France would felicitate a convention in England: he says, he has heard of the president's answer: he says, he has no recollection of the address of the 6th August 1792; that he knows nothing of the kind; that he was not present at the Globe Tavern, on the 17th April 1794: he says, he heard there were some strong resolutions passed: he says, he was not present upon the 24th January 1794; and that he has not read the resolutions then passed: he says, he does not know that Mr. Thelwall was paid six guineas for twenty-five hundred copies of the address of the London Corresponding Society: he says, he does not recollect a communication from the London Corresponding Society of their intention to meet upon the 14th April; but he says, he knew of the Constitutional Society printing Mr. Paine's letter to Mr. Dundas.

Gentlemen, Colonel Money was then called; but his evidence

dence has no relation to the present case. They then called Mr. Maxwell; and, he says, he knows Mr. Tooke: he says, he has heard him disapprove of universal suffrage; and say, that he thought it might be a proper thing for some gentlemen, who were present, and such others as might approve of the plan, to stand forward, whenever an opportunity offered, for the close boroughs; and, in case they were rejected, they should then petition parliament, in order to expose all the iniquities attending the election at such boroughs; and by that means induce the majority of both houses, and the borough proprietors, through shame, to agree to a reform in the representation in the House of Commons: he says, he never heard Mr. Tooke utter any expression against the crown, or the King's person, or against the House of Lords: he says, that his chief residence is at Linlithgow, in Scotland; that he was not acquainted with Mr. Tooke at the close of the year 1792.

Mr. May was then sworn: he says, he has known Mr. Tooke rather better than two years; that he is a member of the Constitutional Society; that he is acquainted with Mr. Tooke in private life, having dined with him; that he has had many conversations with him; and he uniformly told him, he wished well both to the monarchy and aristocracy of the country; and that the only change he wished was in the House of Commons: he says, he has known him when he has drank a great deal of wine, and when he was sober, but that he was always perfectly consistent: he says, he has heard him reprobate the introduction of Mr. Paine's principles here, for that we wanted no republic; and also, that he refused to be a delegate to the Scotch Convention.

Gentlemen, Captain Tooke Harwood was then called. He says, he is a captain in the army; that he has known Mr. Tooke most intimately for six years; that he has conversed with him upon political subjects, and knows his political sentiments respecting the present government of King, Lords, and Commons. He says, his opinion was, that Parliament wanted a reform; that a great number of borough-mongers ought to be made ashamed of themselves, by continual applications; and that there was no reform but from themselves. He says, it was proposed, among a great number of friends, that each should petition against the member supposed to have bought a rotten borough; that he himself proposed to be one, that he thinks Mr. Maxwell was one, and that Mr. Walker of Manchester was one. He said, that Mr. Tooke was firm and steady in those principles. Upon his cross examination, he said he was a member of the Constitutional Society; that he was present on the 23d of March, 1792, at the association of
twelve

twelve members from Sheffield. He says, the Constitutional Society wrote a letter to the Society of the Friends of the People, that he does not recollect the answer that was sent by Lord John Russell. He says, he has heard of the address to the Jacobins in Paris, but he knows nothing farther than he has heard. He says, Mr. Paine and Mr. Barlow were honorary members; that he knows nothing of Mr. Tooke sending the address to the Jacobins; that he was not present when the address was agitated, whether it was proper to be sent or not. He says, he did not know that Margarot and Hardy consulted Mr. Tooke upon that address; that he was not present when the address from the Constitutional Society to France was proposed, as he is never in London in the month of November. He says, he remembers a letter being sent, dated the 16th of April, 1793, but he cannot swear to the hand-writing; that it was voted that Mr. Frost should answer the letter, but it was afterwards referred to the witness to give the answer; that he forgot to answer it, and it was handed to Mr. Vaughan to do it: the letter was answered, but whether it was sent or not he could not tell. He says, he remembers being present when the society returned their thanks to Mr. Barlow and Mr. Frost, for presenting the addresses to the National Convention, but he never saw or heard the contents of the letter, stating what they had said to the President and his answer. He says, he got the letter from Norwich for the Constitutional Society; he remembers he said it was a very foolish one; that he was at Norwich, but did not know of the letter at the time he was there. He says, he did not know of the proceedings of the Scotch Convention; and that he never saw any of the associated members.

Gentlemen, Mr. Rous, was then called; who says, he is a member of the Society of the Friends of the People, and was so at its first institution. He remembers a letter coming to them from the London Corresponding Society, respecting sending delegates to a convention, called in the spring of 1794. He says, he recollects there was a pretty full meeting of the Friends of the People upon that occasion; that the proposition was debated, and the proposal was generally declined, as they were apprehensive that a bad use might be made of the meeting of delegates.

Gentlemen, The Bishop of Gloucester was then called; and he says, he has known the prisoner for 40 years, that for many years their acquaintance was very confidential and intimate; that the acquaintance began at the university 1754. He says, there was some opposition to Mr. Horne Tooke's taking the degree of Master of Arts; that he thought there was nothing

nothing to prevent his having his degree; he recollects that Lord Milford took a part in opposition to Mr. Tooke. The witness says, he voted for Mr. Tooke having his degree. He says, he has never known him vary in his political sentiments. He says, he has had frequent conversations with him, but never found that he had any disaffection to any establishment in this country; that he was inclined to think him a very studious man, more so than many men; he believes he assisted him with some valuable books, upon grammatical subjects, from the Bodleian library, and he thinks that Mr. Tooke's attention has been turned to grammatical pursuits.

Gentlemen, the evidence closed with producing the record of the acquittal of Hardy, the last prisoner who was indicted. It was proper that should be in evidence before you, to serve as an answer to any part of the evidence that was to be brought against Mr. Horne Tooke, through the medium of Hardy, being a party in the conspiracy. A man acquitted cannot constitutionally be taken to be a party to a conspiracy, therefore he cannot be stated to be a party in this conspiracy.

Now, Gentlemen, having gone through the whole of the evidence, the case lays for your judgment. I am sure I ought to thank you, in the name of the public, for the patience and attention with which you have listened to this long detail of evidence; and also for the patience and attention which you have shewn throughout the whole trial, although attended with great personal inconvenience. You have now a very serious duty imposed upon you; but, after the pains you have taken, you will no doubt discharge your consciences to the satisfaction of the country.

Gentlemen, I stated to a former Jury, that I thought it was impossible there could be any entanglement in the case, upon any point of law; I apprehended it was impossible, though much was said upon the law in this, as well as in the former case. I thought it was quite impossible any practical inference could arise from the discussion material to this case, for I think it cannot be denied, or ever was denied, that a Jury ought to find that the man who means to depose the King, compasses and imagines the death of the King—it is in truth a presumption of fact, arising from the circumstance of the intention to depose, so undeniable and so conclusive, that the law has adopted and made it a presumption of law; and it is in that manner that the law has pronounced, that he who means to depose the King has compassed and imagined the death of the King. All the writers take the law to be so: all those whose names were quoted, and whose general doctrines were quoted, agree, that in a conspiracy to depose the King, that is a decisive overt-act to compass the death of the King. In the case of

Sir

Sir John Friend, that was quoted to you, my Lord Chief Justice Holt did expressly state it so. In the case of my Lord Russell, the overt-act was of a different nature, and more capable of explanation, therefore it was there properly stated to be a fact upon which strong evidence was given, and upon which a Jury might exercise their judgment; they might say, that a man who had attacked the King's Guards, had not been guilty of treason, and did not mean to compass the King's death—there might be an affray, or something or other, to take off the force of that evidence. I shall, therefore, give you no further trouble upon that head. I speak in the hearing of my learned brothers, who, when I stated the law upon a former occasion, adhered to the law as I stated it: It has been understood to be law for centuries; and, God forbid! that any reasonable man should doubt, that he who means to depose the King means to destroy him; for it is that which must necessarily be connected with the deposition. No man ought to doubt, that he who means to depose the King compasses and imagines the death of the King. Gentlemen, I will, therefore, not trouble you any further upon that head; the case before you is a case of fact; but, for the sake of others, and for the sake of a numerous bar attending here, and that it may not be understood that the court did agree to some things laid down, and particularly to a proposition that was laid down in a very admirable speech that I heard yesterday, I must take notice I cannot agree to the distinction that was taken between the case that was dependant upon the common law, where it was supposed the Judges were to declare the law, and the case of a crime declared by act of parliament, as if, in the case of a crime declared by act of parliament, the jurisdiction of the court was concluded: I take it to be, for the first time, so stated; I take it there is nothing so clear, let the proposition in an act of parliament be what it may, either more or less distinct; it is always a question of law, What is the meaning and true import of that act of parliament? and, whether the case that is stated, is a case that comes within that act of parliament, or not; so it has been constantly stated in all my practice.

So is the theory of the law, in my apprehension. In the place I now sit, and in the course of 30 years of my experience, hundreds and hundreds of times it has been the subject of solemn debate, whether the case stated in evidence was a case that fell within the law, or did not fall within the law. No distinction can be made in this case, because the act of parliament has explained it in two or three words. The law may be clearer upon it, but the distinction upon its being a construction of law and matter of fact, is to be decided by the court. No man ever thought of questioning the point of
treason

treason of levying war. What is levying war? It is a question of law upon adhering to the King's enemies. What is adhering to the King's enemies? It is a question of law upon the question of levying war. I remember that, in the case of *Damaree and Purchase*, there was a special verdict, in which the question was, Whether the facts stated did or did not amount to a levying of war? There was a difference of opinion among the Judges, but the majority said it was a case of levying war, and therefore a case of high treason. I mention this simply, that error may not get abroad. It was observed at the bar, that this was a time of renovation, and we must rally round the law. I have great pleasure in doing justice to the other parts of that speech, which I heard with as much pleasure as ever I heard a speech in my life. I never heard a speech in all respects fitter to be offered to a Jury, where he was assigned counsel for the prisoner in a case of high treason, and where the counsel should keep themselves very strictly within the line of their duty—very much depends upon the counsel on both sides; and where their opinions are delivered with such ability, it gives infinite assistance in discussing the law, and more especially in a case complicated as this is. Their learning and abilities will enable them to make it clear, by putting it in every possible light it can be for the prisoner, as well as for essential justice, and it is not more fit for the prisoner than for the public good and justice of the country—it enables those who preside, to know where the gift of the case lies. I say this for the sake of others: the Jury will excuse me for having mentioned these things, as I thought them necessary.

I now return.—I state to you, Gentlemen, therefore, that the case for your consideration is a case of fact; and a great satisfaction it is to me, that if, under the pressure of the fatigue I have undergone, any great omissions have been made by me, the attention you have shewn to the evidence will enable you to supply those defects. Gentlemen, the mass of this evidence is quite new to you, except so far as you may have read it through the imperfect accounts which news-papers may have given to you. It is to us the second laborious investigation, and to be sure that ought to enable us better to assist the Jury; but I am not quite sure it may have that effect. The mind is sometimes overborne by the pressure of such a quantity of materials, that perhaps the repetition of it might rather contribute to overbear it still more than upon the first trial; the mind is not so strong, and that I am afraid is my case. I shall, however, give you the best assistance I am able.

Gentlemen, there are two general views of the evidence.

VOL. II.

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First,

First, as it applies to the proof of a general project to establish a National Convention, which should usurp the powers of government; and a distinct question, as the evidence applies to fix upon the prisoner a concurrence and participation in that design. The course of the evidence will resolve those two distinct propositions into one; and it will be a question, whether the prisoner has been concerned, and has participated in a plan to establish a National Convention, which should usurp the powers of the government. If he has done so, he has been concerned in a plan to depose the King; for the moment the powers of the government are usurped, the King is deposed; and it is difficult to draw a line, and to say, if the powers are usurped for a particular purpose, or to a particular extent, that the King shall not be said in that case to be deposed. If any part of the government is usurped, the kingly authority is gone to that extent to which such usurpation may go, and all the mischief will follow; all the danger to the person of the King will follow, because of course he is bound to support his government, he is bound to restrain that usurpation, even to that extent and at the hazard which the Attorney General alluded to yesterday; so that any plan for any body of men to take upon themselves the power of the country, to interfere with the legislative authority of the country, seems necessarily to involve in it that deposition of which I have been speaking. Attacks upon the executive government are of a very different nature; they are resisting the law, and go the length of an attempt to overturn the law; but unless it goes to the extent of destroying the laws themselves, the laws will have energy enough to avenge themselves, and to bring the authors of any violence to punishment; but if the laws themselves are gone for a moment, the whole authority of government is gone; the kingly authority is gone, and every thing that belongs to government is gone.

Gentlemen, in point of fact, the project for a national convention, and the existence of actors in that project, is clearly made out. It is very certain there were persons who had an intention of holding a convention; and upon the evidence, I think it cannot well be denied by Mr. Horne Tooke, that he was a participator in it, though not present at the meetings at which the plan was discussed in a committee of co-operation. It can hardly be said, Mr. Tooke was not privy to and a participator in the plan of a national convention; but the material question for him to dispute, and for you to consider, is, for what purpose was that convention to be held; for the intent makes a part of the description of the overt act of the crime, and the intent here is a mere matter of fact. The intent is often

often connected with the fact of the charge in a way that does not make it a part of the crime. A man who does me a certain injury, must make me a satisfaction for it, because he has done it, and cannot shelter himself under any intent he had, upon which he may insist upon his innocence, because he has committed the fact which the law has qualified as a crime. The thing follows of course if he has done so; it is not a matter of proof, it is an incident to the fact. In this case it is a necessary ingredient to the fact, and to be proved just as much as every other part of it is, and it is in truth to this point of the intent, to which this convention was called, that the whole series of the evidence applies; there is in the evidence a chain of circumstances, all concluding to one point, to prove the intention that this could not be justly compared to accumulative treason, making out some one treason that is not the nature of the evidence; the application of the evidence, therefore, is totally unlike the treason proved in the case of my Lord Strafford, or any case where any such idea as accumulative treason was ever talked of or discussed. There is no one of these, with the exception of that which Mr. Attorney General thought to be and stated otherways, there is no one of these acts considered as treason in themselves, nor can 40 of them make up any treason from their accumulation, but they are evidence of intent. When the question is, what a man's intent is? it may be proved by a thousand circumstances, or it may be proved by a single fact, or by a chain of circumstances, as much disconnected and dispersed through a numerous body of evidence as there are in this case, though it is a thing that does not very often occur.

Gentlemen, the avowed intent, understanding the words in the most obvious form, is a reform in the House of Commons, and that intent in itself is innocent; but the prosecutors undertake to shew you, that this was not the true intent. They say those words ought not to be so understood: they remark, that there is an equivoke in the words—that the words “parliamentary reform, radical reform, fair representation of the people in parliament, full and free representation of the people” in general, without saying in parliament, are used; all of which they say are words that have in them an equivoke; but it is true, when you are speaking of the constitution of England, as formed of King, Lords, and Commons, there is no kind of equivoke in them. You understand those words as applied to the Commons' House of Parliament. You will, in a case where a party is accused of a crime, and where the intent has any relation to the subject, understand the words in the sense most favourable for the prisoner; and you will construe them

also to mean a reform in the representation in the Commons' House of Parliament, until you are obliged to conclude they import a different thing. Therefore, the prosecutor directs you to the context of these words, where it is said you will find the true interpretation of the words, as well as the true intent of this measure, the holding this national convention. Now, Gentlemen, I must tell you, as I did upon a former occasion, this ought not be left to be made out by nice and verbal criticism. I lay, as I did last night, in respect to the Southwark declaration, where they speak of the representative government, the sense did not accord with the idea of government formed of King, Lords, and Commons. People may express themselves carelessly, not with grammatical correctness, and may mean the very thing they ought to mean, though they use the words which may imply a different meaning, therefore it is with the context you will consider the words, and you will look at the conduct of the party who used the words. The conduct of the party will best explain any thing, and fix the meaning of any thing that is equivocal in the language they used. Now for that purpose we are referred to the written transactions of two voluntary societies in London, in correspondence with other societies in England, Scotland, and France, in which I include the British Convention in Scotland; the society for Constitutional Information, which was the elder society, and Major Cartwright stated what was its object, and that it was instituted to obtain a parliamentary reform, but not upon any fixed determinate plan. The London Corresponding Society was instituted in 1792, professedly for the purpose of obtaining a parliamentary reform, and that upon the Duke of Richmond's plan, I think the evidence is so; and though a great deal of violence very soon followed, which might lead one to question the truth of their principles, yet I think it ought to be taken that that society was instituted upon those principles, unless you can distinctly see the bottom of the foundation of that society, and see it was formed for the purpose of acting under some other direction, and for some other purpose, under the colour of a reform in parliament. If such a thing was very possible, it might be made out, and I think there was some attempt to make it out, and to fix it upon the prisoner at the bar. Some little way they went towards it, for they gave evidence of some of Mr. Tooke's hand-writing being found of the original constitution of the society, and proved some considerable intercourse between the societies and Mr. Tooke; but it does seem to me they did not go far enough to maintain that proposition, for it is a strong proposition that a man should keep himself behind a curtain in such a proceeding as this was,

was, to take all the active measures, and to take the whole under his direction, that they should set up that pretence, meaning all the while to execute a purpose of a different kind, and this all under one man's direction, is not a thing to be believed or to be found by a Jury without very clear proof. It is not to be believed as very probable. I say, not even in common understanding between man and man, ought you to believe such a thing without it being more distinctly proved than it has been proved in this case.

Gentlemen, this Constitutional Society appears to me to be a mere club. With respect to the London Corresponding Society, it certainly is of a different nature. It is, indeed, when you contemplate it, so composed as to be spreading itself every hour from division to division, and each division producing a sub-division, and then other divisions, and so on embracing all the other societies in the country, many of which were constituted upon the same plan by a close correspondence. It is undoubtedly a political monster, and most portentous, such a one that we know by history at this moment, the National Convention of France has been obliged to suppress, though they probably raised themselves to the government by it—they thought the government could not exist with it. It is a circumstance of that nature which does certainly present a very alarming aspect to all those who have a regard for the peace, happiness, and tranquillity of the country, for it is calculated to produce the most powerful combination I think the world ever saw, if you could suppose bad designs to be at the bottom of it, which, in this place, as far as the evidence goes, I shall not suppose the wit or malice of man could devise an instrument of more power to execute a purpose; and if you call to your recollection the evidence that was given in the letter by the editor of the Patriot, as to the manner in which these societies might be extended, and converts made by able men from the different societies going about and traversing the country, and infusing their opinions into the minds of every one that could be prevailed upon by any art used in the most industrious manner to make them listen, you may easily conceive what opinions might be infused, and you cannot conceive to what extent it would go, for no man can. Probably many members of those societies may hear what I am now saying; but I would willingly hope, that honest men will see the danger of countenancing those kind of societies, and of not abandoning their principles, they will be content to communicate their principles where they wish to have them communicated, through some course or some channel less dangerous to the happiness of mankind.

Gentlemen,

Gentlemen, I have observed the prosecutors thought they could trace the origin of the society to the prisoner at the bar; and I have observed, what in my opinion was the true effect of the evidence with respect to it. The project of a National Convention, to be held here, is suggested in a letter from the Stockport Society to the London Corresponding Society, upon the 27th of September 1792; and I do not find it distinctly marked in any paper of an earlier date.—Mr. Attorney General thought he saw it in the address of the 6th of August 1792. He stated it so when that paper was read. I take it from what occurred to me, and I will not trouble you with repeating it. There had been in London meetings of delegates, for the purpose of obtaining a reform in the Commons' House of Parliament, about the year 1780 and 1781. Mr. Sheridan, who gave evidence upon this subject, called them a convention, and described them in terms that were apt to give you an impression that they were a convention of the people; and he did, in guarded language, state, that those delegates of that convention were to act upon the legislature, not by force, but by that awe and respect which large bodies of men disclosing their opinions upon public questions, might naturally be supposed to imprint upon the minds of those who composed that house.

Gentlemen, we all know there had been a National Convention in France, which had taken possession of the government, and overturned the government; and it is in evidence there has been a public demonstration of the interest which many in this country took in the downfall of the French government; and the principles upon which the change in the government of France was to be supported had been industriously circulated throughout those voluntary societies. Mr. Paine's First and Second Parts of the Rights of Man, which had been approved of by a vote of the Constitutional Society, I think, of the 18th of May 1792, and his letter to Mr. Dundas; Mr. Joel Barlow's works were published about the same time, and at the same period were thrown out eager invectives against the executive government, as well as against that part of the constitution, namely, the House of Commons; they were dispersed among the people. The nature of Mr. Paine's and Mr. Barlow's works you now are perfectly apprized of; they were works, some of them originally calculated for the meridian of France, and to support the revolution that had taken place there. Others of them applying distinctly to this country, and attacking the Monarchy of the country, and the hereditary dignities of the country, and, in short, proposing the model of the republics of America and France, as proper objects for our imitation, and as the proper measures of a revolution to take place here.

There

There is no such thing as disguising that that is the true import of his works; they were published anxiously and dispersed industriously by these societies, in correspondence with others, without the least guard or without any thing that might in any manner tend to put the people upon their guard with respect to those parts unfit to be adopted. One of the Sheffield people said, he took upon himself to approve some parts, and reject others, because he could see that Mr. Paine himself did not understand some parts of his works; but is it fit or ought it to be endured in any well-regulated government, that general principles, subversive of every part of the government, should, without the least antidote to the poison, be generally dispersed over the country, to poison the minds of every man into whose hands they should fall, and that they should be put industriously into the hands of every man who would receive them, what must be the consequence? The minds of the King's subjects must naturally be alienated, and be prepared for any revolution, or for any crisis that violent men might bring forward, and the country must necessarily be involved in civil commotion; and all the horrors that belong to such a situation has been but too much exemplified in a neighbouring nation. Now then, Gentlemen, in this state of things, which had been prepared by these societies by their publications, by their unqualified approbations, and by all the encouragements they gave to the propagation of all those opinions: first of all an address to the Jacobins is transmitted to Mr. H. Tooke from the Constitutional Society, in which there is one very exceptionable passage. On the 10th of October 1792, an address to the National Convention is proposed by the London Corresponding Society to the Constitutional Society, after a private communication, both by Margatot and by Hardy, to Mr. H. Tooke, upon the question of the expediency of that measure. There is no direct evidence that Mr. Tooke saw either of those persons, or answered their letters: their letters are found, and I do not think that by the evidence any answer of his was found—therefore, whether there was any communication or not between them, that you must infer from the circumstance of the letters being found in the possession of Mr. H. Tooke. The two societies finally resolved to address the National Convention separately, a measure in itself of a very doubtful complexion, but it is stated to be what is quite lawful in a time of peace; but I am not prepared to say, that the interference of a large body of subjects of this country, in the affairs that respect the government of another country, who are interested and concerned in the constitution of the country, and well affected to the King, is a thing so clearly innocent as that

that it ought to pass by unnoticed, by which it might be thought it was an innocent transaction, though in time of peace ; but I state it as a thing of very doubtful complexion. The prosecutors insist, whatever may be the complexion of that act, considered in that view only ; in which respect to be sure all we have to say is, perhaps, that it ought not to pass, though it is perfectly innocent ; for whether there is any precise guilt, is foreign to the present question : they say, that however that may be, they object to these addresses, in as much as they have an aspect towards this country, and a change in the government of the country, and are used to prepare the way for a change in the government at home. Here again I do not wish to examine the language of these addresses too narrowly ; but what are we to say to Mr. Frost's exposition and comments upon those addresses ? He has thought fit publicly to declare, with those addresses in his hand, that revolutions will now be easy, and that it would not be extraordinary if in a short time addresses were to come from France to a national assembly in England. Now is it possible to explain away those expressions ? They might be said to be very indiscreet, and not warranted by his instructions ; but that is excluded here, because you find they transmit their papers, including the very form of address, together with the answer of the President of the National Convention to the society for Constitutional Information ; and it appears by the evidence read to you, they received an unqualified approbation from the Constitutional Society. The President's answer was in the same style ; but, I confess, I lay no great stress upon that, it not being the act of the society, or of any one authorized by the society.

Gentlemen, the measures which had been taken in the early part of the year 1792 ; the countenance to Mr. Paine's works, the circulation of them ; the countenance to the works of Mr. Joel Barlow, and the circulation of them ; the address of the 6th of August ; the correspondence loaded with invectives upon every part of the government, all these inflammatory things paved the way for a national convention in England, but they had no direct reference to it. It seems to me, therefore, that the national convention, named by the Stockport Society, might be understood to mean a convention for a parliamentary reform ; for, at that time, there was nothing decisive to mark it. Should it be received in a different sense ; there was a good deal to leave one to doubt whether that is what was meant ; for it appears, in the correspondence of some of the societies, they entertained republican principles ; some were for reforms upon the principles of the Rights of Man, which are hardly to be reconciled with any idea of that parliamentary reform which

which is to be pursued with a real attachment to the constitution of the country of King, Lords, and Commons; but, however, though there might be room to suspect, perhaps it will be too much to venture to pronounce upon this evidence, that the national convention, mentioned by the Stockport Society, was to be understood as a national convention to usurp the government; but the question that is material is, Can the national convention, which was to be congratulated from France, be of that kind? Is it possible, by any construction, to understand that national convention in any other light but a national convention of the same nature with that of the convention of France, which they were felicitating at that moment.

Gentlemen, If the previous measures had an effect to prepare the way for a National Convention, on the plan of the French Convention, look at the succeeding ones, and those of the Constitutional Society in particular; the introduction to the public notice of the arguments of St. Andre and Barrere, on the subject of the inviolability of the King of France, and of the nature of a National Convention, upon French principles, seems to have no possible relation to a National Convention for the purpose of obtaining a Parliamentary Reform. You will judge whether they can have any possible object but to beat down one of the guards to the safety of the King, and to reconcile mens minds to the use of that instrument; that National Convention, which was to destroy the King and the government; that is for your consideration upon that piece of evidence. It was observed upon the *Moniteur*, in which those speeches were published, that that paper was not prosecuted, and that the speeches passed among the general mass of newspaper intelligence. However it were to be wished that such doctrines might not find their way into the country, having no relation to our government, yet having relation to another government, there seems to be no way of fixing criminality upon such a publication but when the public attention is called to them by a society, which had gone the length to present those addresses to the National Convention of France, and when he who presented those addresses, and pronounced that revolutions would become easy, and that it was probable this country might be felicitated upon the recovery of its liberty by French addresses; the question is, whether, by offering those papers to the public in that manner, it has not a different complexion; and whether it does not furnish an argument of an intent, that mens minds should be prepared for a National Convention, which should not respect the inviolability of the King.

Gentlemen, A British Convention in Scotland was set on

foot early in the year 1793. I am not able to trace any connection with the Constitutional Society till after that Convention had met, and had been in some degree organized, and till after two adjournments it had met again. In November it was joined by delegates from the Constitutional Society, together with delegates from the London Corresponding Society, and other societies in England. It appears however, in the evidence, that those delegates were the persons who at that time put the Scotch Convention into motion, that is the account given by Margarot; when they went down the Convention was adjourned, but they found no great difficulty in having it recalled, accordingly upon his request it was re-called. You have heard a good deal of evidence respecting that Convention, consider then seriously what that Convention assumed; consider the solemnities and the forms of it; the manner of its proceeding; the close imitation of the manner of the National Convention in France; and, though they were originally dealing with small subjects, dealing with them with those forms which would enable them to deal with larger subjects, if they should have an opportunity. Their treasurers employed themselves in separating the bad shillings, in the sum of 4*l.* 5*s.* 8*d.*; with the countenance of the people, the same treasurer might have managed the whole revenue of Scotland. Skirving values himself upon having organized those meetings, and put them into a condition to act. To be sure, when one looks at them they are so completely organized, it is extremely difficult to apprehend their object could be an application to Parliament for a Parliamentary Reform; independent of all particularity of conduct upon that subject, you find they order their committee to prepare a declaration of the unalienable and imprescriptable Rights of Man, the very plan upon which the National Convention of France began its operations; and when the scroll of a petition to the House of Commons is presented, they put a negative upon it, by moving for the order of the day, upon which I before observed. Now, whether all this form had really no bottom, and was only a piece of solemn mummery, meaning nothing but that they had a mind to join to petition parliament, is for your consideration; or whether this was so framed and so conducted as to enable them to feel the pulse of the people, and to take up larger pretensions or not, as that pulse should beat, for as I said before upon a former occasion, this Convention was held at Edinburgh, in Scotland; where a great number of people are given to reading and thinking, they turn their minds to this subject, therefore there are multitudes of people likely to become acquainted with it, and to suppose there is something to be made of this convention, in consequence of those circumstances, considering the temper and

and nature of the people, how soon it might have happened that the countenance of the people of Scotland might have given effect to those forms, and enabled such convention to assume a tone of royal authority, was a question of very dangerous uncertainty at the time that convention was fitting, and at that time, probably most fortunately for the peace of the country, it was dispersed, for dispersed it was. In consequence of that there were proceedings in the Court of Justiciary in Scotland, and some of the persons concerned in the measure of that Scotch Convention were punished with great severity; the consequence of that was their cause was taken up here, and great indignation was expressed in these societies, and there appears to have been great pains taken to irritate the public mind upon the subject of those proceedings; and it does appear to me to be a circumstance worthy consideration, that these grievances, be there really more or less at the bottom, is not my place here to say a word upon; but there seems to have been pains taken to aggravate them beyond the reach of all ordinary remedy, and particularly far beyond the reach of any remedy a National Convention, for a Reform of Parliament, could possibly produce. In that famous address of the 20th of January, from the Globe Tavern, they go the length of stating, that there is no redress to be had from the laws, for that they are the laws of their plunderers, enemies, and oppressors, "that we cannot gather grapes from thorns, nor figs from thistles;" and that they must resort to some new and extraordinary remedy—what can that be? They must have a full, free, and perfect representation of the people in parliament; Can that be, in the first place, through the medium of a convention, or can it be by the Commons' House of Parliament, when they reject the laws; they pronounce and say they will have nothing more to do with them, but will resort to the laws made by themselves. In this state of things the convention was proposed here, and resolved upon by those two societies, in which the prisoner is certainly implicated, and measures are taken to carry that convention into effect.

Now, Gentlemen, if this convention was a convention upon the plan of the convention in France, to take the government of the country upon them, any one measure taken to bring forward that convention would appear to me to be clearly an overt act of high treason in compassing the King's death. The measure that is charged, is a meeting in a committee of correspondence and co-operation, and the consulting to bring it about is another overt act that is charged; and the species of high treason to conspire to hold such a convention, for such a purpose, would be to conspire to depose the King, and every act

done to carry that conspiracy into execution, will be an overt act of compassing and imagining the death of the king.

But now, Gentlemen, comes the great question for your consideration, Was it a convention of that nature, and for that purpose? Judging upon the whole context of these transactions, one can hardly believe, though there is evidence of it, that a parliamentary reform in the House of Commons was the object; one must suspect that more was intended, but the question is, What more was intended, and what was the precise object? To be sure you must see it, or else it is not enough that suspicions from this chain of conduct arise in your minds, as to the motives these persons had in their minds; for if you are inclined to think they must have meant more, and that their measures were not at all conducive to the end stated, that is a sort of ground that raises suspicion in the minds of men; but undoubtedly that is not a ground that constitutes proof, and therefore you must distinctly see they had this particular object, to hold a convention for the purpose of usurping the powers of government. Now, on the part of the prosecution, they say that they ought to be taken on this evidence to have called this convention, for the purpose of usurping the powers of the government, because they have proclaimed to the world that their object was to have such a convention, and to put this country upon the footing of a neighbouring country, in which there is such a convention, which has usurped the powers of the government; and they say, on the part of the prosecution, after that declaration, coupled as it is with all that conduct, tending to prepare the way to overthrow monarchy and aristocracy, and all the orders of the state, they have a right to insist, that it is not enough for those persons, when they are charged with high treason, for them to bring witnesses and to say, that was not their intention, but that it was a shorter intention, for that they ought be tried by their conduct rather than their professions, and that their conduct marks that was their object; their conduct in regard to general publications, their conduct in regard to the National Convention, and their conduct in regard to the Scotch Convention, leaving out the smaller intermediate parts of the evidence, from which a great deal might be picked out, affords strong suspicion, and forms a ground to judge of their intention.

Gentlemen, this is the strong part of the prosecutor's case; and here I think he must leave his case. I do not see myself how he can go further than to shew, that the conduct of these persons has been the conduct of determined republicans, and that they have taken all the pains they could to establish a National Convention here, which was to be the form of government established in the place of the existing government of the country,

country, and they have irritated the public mind by every artifice that could be used, in order to prepare them for such a crisis, and to make such use of that National Convention, whenever it should actually be formed; it is certainly true, if you look at this case in the exterior of it, and upon this outline I have stated, there is great ground to impute this to these societies, and it would be difficult for this prisoner in particular, to take himself out of that implication; and it undoubtedly is true, that the conduct of these societies, carefully observed, was a conduct that must necessarily create great alarm in the country; that it must have called upon the government of the country to be very vigilant, and to take very active measures; and that it does justify the putting the persons accused into that situation in which they now stand, to explain to a jury, even at the hazard of their lives and honour, and every thing that is dear to them, a conduct liable to so many just exceptions; but that this conduct may yet be explained, and that when the question is with the jury, whether that which all mankind might be justified in suspecting, does really turn out to be sufficiently founded in fact, and to be so distinctly proved, as to warrant a jury in finding a verdict of guilty, is a different question; but you are bound to acquit, if there remains any doubt upon the case.

Gentlemen, I consider every thing beyond the outline I have stated, which outline I consider as the prosecutor's evidence, I consider every thing beyond that as evidence upon the part of the person accused. This enquiry has let us a great deal into the interior of these societies, and it has produced a discovery I cannot say much to the honour of their leaders. They have magnified their numbers and their strength, for a purpose which every man must see, very much beyond the truth.

Gentlemen, the Sheffield Society was represented as consisting of 2,000 members a great while ago, and to be every hour increasing. It is stated also, that 10,000 persons assembled at the Castle Hill at Sheffield. Evidence was called with respect to that. The Secretary to the Constitutional Society says, that they vaunted of publishing 100,000 copies of papers to their correspondents, when perhaps they did not publish 5,000. This ostentatious display of force and strength, which they certainly had not, was intended to mislead the public; but, however that may be, yet the true state of these societies, the Constitutional Society in particular, will certainly have a material effect upon the question of fact you are to try, whether at the time this national convention was proposed, they really had it in their minds to usurp the government of the country; because it is a reasonable thing to enquire,

quire, when a great end is proposed, what are the means taken to accomplish it. It appears at first the Constitutional Society were neither numerous, or had money, nor even zeal; for, according to the evidence, they were rather slack. Sinclair complains of being abandoned when in Scotland. Very often their committees would not and did not meet; that seemed to be the general conduct of the society: they seem to have had no desire, such as men generally furnish themselves with when engaged in desperate ends. Upon all the examination, I have not been able to trace any direct conspiracy pointed to this object by individuals by name; nay, the very contrary is proved as far as the evidence goes. To be sure this man, the Secretary, the man of all others that would have had a knowledge of it, if they were involved in any such conspiracy, says, he had no idea of their being involved in any such conspiracy; and there certainly is a difficulty upon the evidence in that respect, admitting the general outline of the evidence as I have stated, it would warrant very strict conclusions; yet upon who to fix this conspiracy, as a conspiracy seems to remain a thing of difficulty, there certainly is some evidence against many persons, and against the prisoner now at the bar. Mr. Attorney General, in stating the charge against him, treated him as a principal, and as if there were other persons put forward to go through the drudgery of the business, but that he was the director of all. There was certainly many things to be explained by the prisoner, which I shall have occasion to take notice of hereafter; but with respect to this charge, I have observed how far the proof may be supposed to go. There is more consultation proved between the prisoner, Margarot, and Hardy, than between any other persons. Hardy is acquitted, therefore he has given answers to all the evidence that concerns him. One may say, in general, this evidence goes to criminate all those who were concerned or assented to a revolution, and were concerned in the previous transactions which manifest the intent—to be sure it is no answer to say they are very numerous. If there is a rebellion, every man is involved in it who takes the slightest part. If 100,000 men are engaged in levying war, as in the case of Damaree and Purchase, every man acting in it is undoubtedly criminal, and equally criminal with the leaders. It does not furnish an objection to a conspiracy, that it has unfortunately embraced in it a great number of people, but it certainly proves that the greater the extent of the charge, the more careful you will be, and the more willing you will attend to every possible explanation that may lead you to doubt whether the charge is well-founded to the extent it is laid.

Gentlemen,

Gentlemen, Mr. H. Tooke went into a very effective cross-examination; and also, he examined witnesses in his behalf. I think he did very well to do it, because I myself cannot but think that this is a charge to which it became Mr. H. Tooke to give the most satisfactory answer the evidence could furnish. I thought he did extremely well to do it: he has examined a great number of witnesses; and I shall state the effect of their evidence more distinctly by compressing it, than by enlarging my observations upon particular witnesses. He has established, that his principles, as far as all those witnesses go who have spoken to them, and who had great opportunities of knowing them, were directly opposite to this republican principle, and all the consequences of it; and that he was firmly attached to the monarchy of the country, and firmly attached to the constitution of the country, as established in King, Lords, and Commons, only quarrelling with the Commons' House in its present state, and quarrelling with it from his attachment in a great measure to the King, and to the other House, being of opinion the true balance of the constitution consisted in the King having his prerogative, a most high and grand one, and the Hereditary Nobles having their balance in the state, which could only be effected by a pure and perfect representation of the people, and by the people having their place in the senate. He has given you demonstration by public acts of his in the years 1780, 1782, 1785, and 1788; nay, I think also in 1790, of his having in public, when political questions were discussed, taken that part which is a clear manifestation of his principles. He has also gone into evidence which certainly deserves great consideration with respect to the habits of his life: he is a scholar, and a studious man, devoted to books, employing a great portion of his time with books; rather keeping company with books than men, especially of late years. Men of such habits are generally more worthily employed than mixing with factions that tend to convulse the state.

Gentlemen, there is another circumstance certainly to be considered in the case of Mr. H. Tooke, that is, it is not a secret, for it appears upon the evidence of Mr. Adams, that declining health and disease coming upon him, has induced him very much to withdraw from society, and from much of that sort of public business he used to be engaged in. The evidence is, that he spent a great deal of time in his garden, and wished never to be removed from it; that he would have had even an act of parliament passed to oblige him to remain there for life; that he sees hardly any body but of a Sunday, and then it is a mixed company. Undoubtedly upon those

those principles, which commonly direct the conduct of mankind, one should imagine that Mr. H. Tooke, from his principles, his habits, and his infirmities, would in truth be the last man in the world that could be justly suspected of being engaged in a conspiracy of this kind.

Gentlemen, the reply, I am sorry to say, has made some impression on this defence; which, on the first view of it, seems to be the strongest kind of defence that could be stated in a case of this nature, where so much was to depend upon the intent, and where so much was to depend upon the general opinion, sentiments, and habits of life of the person who is accused; but, in the reply, it was observed, that with those principles, with those habits, and even under the pressure of those infirmities, Mr. H. Tooke, the prisoner at the bar, is found actually dealing in these subjects by his intercourse with Hardy, by his interference in the papers of the society, and above all, by those more public demonstrations to be collected from the address to the Jacobins, from that address to the National Convention, and from that publication, that most unfortunate publication, in which, in his own hand-writing, he says, "Liberty is making Herculean efforts, and those vipers, monarchy and aristocracy, are writhing in its grasp." That is so contrary to his principles; yet he is found dealing in those subjects in a way which his principles ought to have preserved him from; and, therefore, it is insisted upon the part of the Attorney General, that had his defence been consistent and carried him through all the facts, it ought to have had its full weight; yet, in as much as this shews the principles of loyalty, and his talents in his situation, if he has done all these things, what can you conclude from those principles, and those habits? You cannot say, he has not been a party in these measures, because it is too evident he has to many of them. To be sure he has been a party, and an active party, and that may be very difficult to be explained away.

Gentlemen, we now come to the conclusion of the charge against the prisoner, which rests upon the impression his conduct in these societies from the beginning, in the year 1791, down to the time when these resolutions passed for this national convention, shall create in your minds, from the evidence they offered of the real intent of his mind in agreeing to that convention, and as to the object of it. If you shall see, notwithstanding that impression which those circumstances have made upon your mind, and must make to a certain degree upon every man's mind, I think, who has heard the cause, that considering the nature of the enterprize, and considering the actual situation of the man, and the means by which that

was

was to be affected, taking together the evidence of his principles, and habits of life, and situation in point of health, you are bound rather to refer all these other transactions to some other source, and to form your opinion, your judgment, and conclusion, as to his intent in this measure, rather from those domestic parts of his character, than from those parts in which he has acted in public. You may say, that however suspicious this case is, this conspiracy is not made out against him; and you will say, he is not guilty; but, if you should see the case clearly in the other light, then you will do that which the justice of your country calls upon you to do. I wish heartily that Mr. Tooke had put his case clearly beyond all suspicion, because I see, with great regret, a man of his capacious mind, of his habits and his capacity, likely to be useful to mankind, and those supported by the evidence of that venerable Prelate the Bishop of Gloucester, who I am sure would flatter no man: I say I am heartily sorry to see him in such a situation, and I should have been heartily rejoiced if he could have put this case beyond all suspicion; but, I cannot say, he has done so, for there clearly is a great deal to explain which I cannot explain, and which I am at present totally unable to develop. The character and conduct of this gentleman is in some instances inexplicable, but that goes but a little way to the question, whether he is guilty or innocent of this indictment. That you will judge of from the result of the evidence, and the clear impression that result shall make upon your minds, and you will not go out of this court until you have made up your minds to pronounce such a verdict as is perfectly satisfactory to you; and which, if it satisfies you, I am sure will satisfy your country.

The Jury retired for about ten minutes; and when they returned, the Foreman pronounced, with a *great emphasis*, a verdict of

NOT GUILTY.

The verdict was no sooner pronounced by the Foreman, than it was received by almost every person in court with acclamations, and shouts of joy and congratulation, far beyond any thing of the kind we ever remember to have witnessed. The roar, or rather convulsive scream of joy (for such in fact it was) lasted, without cessation, for several minutes, and continued so at intervals. The cheering sound was soon caught by the attendant populace without, on whom it had an electrical effect; for the air instantly resounded with the loudest acclamations of joy.

In this scene of exultation and noise, Mr. Tooke endeavoured, several times, to address the Jury, but in vain. He

seemed much agitated by the exultation of his feelings, and the tear of sensibility glistened in his eye.

At length, in a tremulous voice, he spoke as follows:—

“ My mind, my Lords, is now much better formed to feel and to acknowledge kindness than to omit it. I desire to return my most sincere thanks to your Lordship, and to the Bench, for that conduct you have shewn through the whole of this tedious trial.

“ Gentlemen of the Jury, you have afforded a just protection to my life. I thank you for it; and give me leave to tell you two things, which will increase your satisfaction as long as you live. We shall both have done good to our country when I have told you two facts, one of which it was impossible I should tell you before, and the other it was unfit I should tell you before. I am sure we shall never see such a trial as this again. My caution, for at this moment I will place it to myself, was the cause of those suspicions which dwelt upon his Lordship’s mind. His sagacity and penetration assisted him to clear up many things to you; but the fact, and the whole substance of the case, is this: I was anxious for the proper conduct of other men; and, if I could have foreseen what I never could foresee until the Attorney General made his reply, I would have mentioned it before.

“ Gentlemen, it will help to direct your conduct through life, and other Jurymen: it will help to correct this kind of guilt by inference; his Lordship did see this point, and stated it with great candour. The fact stands thus: Being rarely present when my name appears upon the books, I was anxious for the safety of a very honest but not a very able man. He brought papers which he had received, and which were afterwards intended for publication; and when I saw words in the papers likely to be prosecuted as libellous, I took the pen and struck out with my hand that which was unfit to be published. Upon this is built all that apprehension and suspicion with respect to the conduct of those societies: with none of whom did I ever correspond or communicate at all. I know none of the country societies, nor any individuals belonging to them. I did not know any thing of these London societies until the circumstance of my becoming a candidate for the city of Westminster. Every man who came to me, and asked me my opinion, I corrected his works, and there is an instance in which I corrected a book that was wrote against me. I corrected it against myself. I mention this for the sake of that law upon which the character and honour of men depend. The Jury have acquitted me; and, for their satisfaction, I say there never stood a man before your Lordships more free from
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the intention of the crime imputed to me, than I stand before you. If the Attorney General will look again at the charge which he has instituted, I am sure he will be convinced of it, and it will be proved, to his conviction; but with confidence I trusted my life to that honest Jury. If I had been permitted, I could have explained that which was thought the strongest evidence against me. It was a paper where I scratched out the word Country and put in Government, and where I put in Radical Reform of Government: but I never had a thought of pulling up the country by the roots, or of its being made use of against me to make me a traitor. I could not foresee that papers would be brought against me, which I never took up but to correct for other persons. However, I have suffered a prosecution for High Treason, and have been tried by the laws of my country, in which my learned friend (Mr. Erskine) has so gloriously supported me, and Mr. Gibbs has so nobly defended me. I return them my thanks; and I again return thanks to the court and to the Jury. I am glad I have been prosecuted: for I hope it will make Mr. Attorney General remember, that though he said he would have no treason by construction, that here was no treason against me but by construction and inference."

Lord President.—"Mr. Horne Tooke, you are now discharged."

When the foregoing trial was drawing towards its close, the multitudes that crowded into the Old Bailey were so great, that the constables endeavoured to keep them from approaching too near; and the noise which this occasioned was heard in the court; upon which the Lord Mayor (Skinner) immediately went out into the street. He was received by them with that cordial respect which his conduct so eminently deserves; and, having procured silence, addressed them in nearly the following words:

"Gentlemen,

"During the course of my life among you, it has ever been my endeavour to render, as far as it has lain in my power, the lower and middling classes of people comfortable and happy; during the short remainder of that life, I will steadily pursue the same object. But, in return, Gentlemen, I think I have a right to expect your love and affection; and, by that love and affection, I conjure you to shew your regard for me this night

by keeping the peace. Gentlemen, during my mayoralty, I promise you the military shall not be called out, unless I am driven to it by severe necessity. Gentlemen, I hope the civil power will ever be found sufficient to preserve the peace of this great city; but I again repeat that I must, and do depend upon your love and affection, to assist me in rendering it so, by setting yourselves the example of loyalty, peace, and good order."

The speech was no sooner delivered, than the air was rent by huzzas; which, by many at a distance, were mistaken as produced by the acquittal of Mr. Tooke, which did not in fact take place for some hours after; but from that moment until the acquittal, they remained with silence, and in the most perfect order. The burst of exclamation that took place in the Court on the delivery of the verdict, which the Judges neither tried to suppress nor reprove, was the signal of acquittal to the multitude without. A sympathetic shout broke from the mass of people, which was caught and echoed to every part of the metropolis in an instant. No *Telegraphe*—no artificial organ, could convey the news with the electrical velocity of their enthusiasm. It was known at the remotest corners of the town in a minute after the event, and the satisfaction was as general as the interest which was felt in the cause.

The multitude surrounded the Court for a considerable time after the verdict, in order to pay their respects, as usual, to the counsel for the prisoner. At length Mr. Erskine and Mr. Gibbs came to their carriage; the horses were instantly taken out—the people clustered about it like a swarm of bees—and, in this manner, they were drawn to Serjeant's Inn. In the same way, Mr. Sheridan being recognized in the carriage of a gentleman, the horses were taken out, and he was drawn to Mr. Erskine's house, while the streets blazed with the flambeaux which the people had prepared.

Mr. Erskine addressed the people, from his window, to the following effect:

"Gentlemen,

"My voice is so very much exhausted by the fatigue of the long trial now so happily concluded, that I am afraid I shall not be heard by you; but no voice could, at any time, express my satisfaction at the event of this day, glorious for the laws, nor my affection for your kindness to myself, and my learned and most excellent friend Mr. Gibbs, who stands here, and who joins with me in the thanks so justly due to you. We now hope that you will retire to your homes, rendered more secure to you from what has passed; and as there are persons still within the walls of prisons, upon similar charges, connected with the imputation of violence and disorder, your peaceable
deportment,

deportment, even in the moment of zeal and triumph, will operate as a sort of evidence for the unfortunate prisoners, stamping credit upon that testimony by which the forms of a Court of Justice will, in due season, bring about their deliverance."

When Mr. Erskine had finished, the loudest applause followed; but there was a general cry for Mr. Sheridan to come forward before they separated.

Mr. Sheridan, in a short but pertinent address, enforced the sentiments of Mr. Erskine. He paid a warm compliment to the exertions of the two learned advocates, Messrs. Erskine and Gibbs. He was not surprised at the enthusiastic gratitude which these exertions had excited in the minds of the people. They rightly considered them not as the fee'd pleaders of Mr. Hardy and Mr. Tooke, but as the generous advocates of the cause and constitution of the people of England. He congratulated them on the first great influence which must result from the conduct and verdict of the Juries in these trials. It must be clear to all the nation, that that most sacred of all rights—the Right of Juries—was a bulwark too strong to be assailed with success, by the arts, influence, or power of any government. Hence must arise this first security for all good Government—a sober and sincere reverence for the existing laws.

He concluded by enforcing Mr. Erskine's exhortation to peaceable demeanour, and reminded them, that their present excellent Chief Magistrate had undertaken to preserve the peace, and protect the Courts of Justice in the city of London, without having recourse to military assistance. The only return they could make in such times as these, for such a confidence, was to shew that they deserved it. It was, therefore, doubly incumbent on them to make it manifest to the world, that, at all times, and even in the moment of eager and honest exultation, an ardent love of freedom was compatible with a sincere respect for order and the law; without which the triumph of liberty would soon cease to be a victory.

The applause with which this sentiment and the just compliment to the Lord Mayor was received, sufficiently manifested the cordial love of the citizens to their Chief Magistrate, and the real attachment of the people to the laws and constitution of their country. In ten minutes this thronged concourse were entirely dispersed.

By this important decision, the law of the country is clearly ascertained, and the prosecution for High Treason established on principles of fact, instead of being left to the discretion of those who may be inclined to construe the most patriotic intention into absolute treason. By this trial, the glorious act
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of the 25th of Edw. III. is firmly fixed on such a basis, that the subject may rest secure against any vindictive persecution. And while the subject is thus secured from cruel, unjust, wanton, and malevolent persecution, the nation is equally defended from the outrageous attempts of those who would involve a country in anarchy. Those who may entertain designs of disorganizing a state, in order to submit all property to their pillage, will now be convinced that, according to our most excellent laws, the attempt must subject them, deservedly, to the punishment of High Treason. They will learn, that any actual design to subvert the government, is to commit an act of the greatest criminality against the Sovereign of the People. And as the King is bound by that justice which he owes to himself and the constitution, to prevent such desperate attempts against the preservation of his crown and the state, the factious and turbulent will now dread the laws provided for the punishment of such criminality.

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Vol. I lacks p. v, vi

F.M.B.